

House Bill 269

By: Representatives Rice of the 51<sup>st</sup>, Austin of the 10<sup>th</sup>, Powell of the 29<sup>th</sup>, Harden of the 28<sup>th</sup>,  
and Yates of the 73<sup>rd</sup>

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 provide for definitions; to provide that a driver granted a license due  
3 to an impairment of his or her parent or guardian must be accompanied while driving; to  
4 provide a definition of immediate family; to add an offense which mandates a suspension of  
5 the offender's driver's license upon conviction; to change certain fees regarding reinstatement  
6 of licenses; to provide for issuance of limited driving permits in certain situations; to change  
7 the requirement that certain statements by law enforcement officers need to be sworn  
8 statements; to change certain provisions regarding issuance of identification cards; to change  
9 certain definitions regarding issuance of commercial drivers' licenses; to change certain  
10 requirements for issuance of an identification card for persons with disabilities; to amend  
11 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department  
12 of Driver Services, so as to grant authority to the commissioner to conduct background  
13 checks for certain applicants; to amend Chapter 8 of Title 42 of the Official Code of Georgia  
14 Annotated, relating to probation, so as to exempt certain transactions relating to ignition  
15 interlock devices from subject matter jurisdiction requirement; to provide for an effective  
16 date; to repeal conflicting laws; to provide for related matters; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
20 is amended by revising paragraph (9) of Code Section 40-5-1, relating to definitions, as  
21 follows:

22 "(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by  
23 the Department of Driver Services which consists of two components: assessment and  
24 intervention. ~~In the case of a conviction or plea of nolo contendere to a violation of Code~~  
25 ~~Section 40-6-391 or in any other instance in which a person may be referred to a DUI~~

26 ~~Alcohol or Drug Use Risk Reduction Program, the program administers the assessment~~  
 27 ~~component and refers such offender to the intervention component."~~

28 **SECTION 2.**

29 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section  
 30 40-5-22, relating to minimum ages for licensees, as follows:

31 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any  
 32 person 14 years of age or older who has a parent or guardian who is medically  
 33 incapable of being licensed to operate a motor vehicle due to visual impairment may  
 34 apply for and, subject to the approval of the commissioner, may be issued a restricted  
 35 noncommercial Class P instruction permit for the operation of a noncommercial Class  
 36 C vehicle. Any person permitted pursuant to this subsection shall be accompanied ~~by~~  
 37 ~~such visually impaired parent or guardian whenever operating a motor vehicle~~  
 38 whenever operating a motor vehicle by such physically impaired parent or guardian or  
 39 by a person at least 21 years of age who is licensed as a driver for a commercial or  
 40 noncommercial Class C vehicle, who is fit and capable of exercising control over the  
 41 vehicle, and who is occupying a seat beside the driver. The department shall require  
 42 satisfactory proof that the physically impaired parent or guardian previously held a  
 43 valid driver's license in the State of Georgia, another state, or the District of Columbia  
 44 before issuing an instructional permit pursuant to this paragraph."

45 **SECTION 3.**

46 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section  
 47 40-5-24, relating to instruction permits and graduated licensing, as follows:

48 "(2) The department shall, after all applicable requirements have been met, issue to the  
 49 applicant a Class D driver's license which shall entitle the applicant, while having such  
 50 license in his or her immediate possession, to drive a Class C vehicle upon the public  
 51 highways of this state under the following conditions:

52 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public  
 53 roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00  
 54 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

55 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the  
 56 public roads, streets, or highways of this state when more than three other passengers  
 57 in the vehicle who are not members of the driver's immediate family are less than 21  
 58 years of age.

59 (ii) During the six-month period immediately following issuance of such license, any  
 60 Class D license holder shall not drive a Class C motor vehicle upon the public roads,

61 streets, or highways of this state when any other passenger in the vehicle is not a  
62 member of the driver's immediate family.

63 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the  
64 second six-month period immediately following issuance of such license, any Class  
65 D license holder shall not drive a Class C motor vehicle upon the public roads, streets,  
66 or highways of this state when more than one other passenger in the vehicle who is  
67 not a member of the driver's immediate family is less than 21 years of age;

68 provided, however, that a Class D license holder shall not be charged with a violation of  
69 this paragraph alone but may be charged with violating this paragraph in addition to any  
70 other traffic offense.

71 (C) For purposes of this paragraph, the term 'immediate family' shall include the  
72 license holder's parents and step-parents, siblings and step-siblings, children, and any  
73 other person who resides at the license holder's residence."

#### 74 SECTION 4.

75 Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating  
76 to mandatory suspensions of drivers' licenses, as follows:

77 "(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the  
78 license of any driver upon receiving a record of such driver's conviction of the following  
79 offenses, whether charged as a violation of state law or of a local ordinance adopted  
80 pursuant to Article 14 of Chapter 6 of this title:

- 81 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- 82 (2) Any felony in the commission of which a motor vehicle is used;
- 83 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- 84 (4) Racing on highways and streets;
- 85 (5) Using a motor vehicle in fleeing or attempting to elude an officer;
- 86 (6) Fraudulent or fictitious use of or application for a license as provided in Code Section  
87 40-5-120 or 40-5-125; or
- 88 (7) Operating a motor vehicle with a revoked, canceled, or suspended registration in  
89 violation of Code Section 40-6-15; or
- 90 (8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to  
91 an identification document as defined in Code Section 16-9-4."

#### 92 SECTION 5.

93 Said chapter is further amended by revising subsection (b) and subparagraph (e)(1)(B) of  
94 Code Section 40-5-58, relating to habitual violators, as follows:

95 ~~”(b) When the records of the department disclose that any person has been arrested and~~  
 96 ~~convicted of a violation of Chapter 6 of this title, or of a valid local ordinance adopted~~  
 97 ~~pursuant thereto, of an offense occurring on or after January 1, 1976, which record of arrest~~  
 98 ~~and conviction, when taken with and added to previous arrests and convictions of such~~  
 99 ~~person as contained in the files of the department, reveals that such person is a habitual~~  
 100 ~~violinator as defined in subsection (a) of this Code section, the department shall forthwith~~  
 101 ~~notify such person that upon the date of notification such person has been declared by the~~  
 102 ~~department to be a habitual violinator, and that henceforth his or her driver's license has been~~  
 103 ~~revoked by operation of law and that it shall be unlawful for such habitual violinator to~~  
 104 ~~operate a motor vehicle in this state unless otherwise provided in this Code section. Notice~~  
 105 ~~shall be given by certified mail or statutory overnight delivery, with return receipt~~  
 106 ~~requested; or, in lieu thereof, notice may be given by personal service upon such person.~~  
 107 ~~In the event that at the time of determination the habitual violinator had been issued a driver's~~  
 108 ~~license, such license shall be revoked by such notice and shall be surrendered to the~~  
 109 ~~department within ten days of notification of such determination. For the purposes of this~~  
 110 ~~chapter, notice given by certified mail or statutory overnight delivery with return receipt~~  
 111 ~~requested mailed to the person's last known address shall be prima-facie evidence that such~~  
 112 ~~person received the required notice. In addition to the procedure set forth in this~~  
 113 ~~subsection, the sentencing judge or prosecutor in a conviction which conviction classifies~~  
 114 ~~the defendant as a habitual violinator may, at the time of sentencing, declare such defendant~~  
 115 ~~to be a habitual violinator. The judge or prosecutor shall, when declaring a defendant to be~~  
 116 ~~a habitual violinator, then give personal notice to such defendant on forms provided by the~~  
 117 ~~department that henceforth it shall be unlawful for such habitual violinator to operate a motor~~  
 118 ~~vehicle in this state unless otherwise provided in this Code section. The judge or~~  
 119 ~~prosecutor, as the case may be, shall within three days forward to the department the order~~  
 120 ~~declaring that the defendant is a habitual violinator, the notice of service, with the defendant's~~  
 121 ~~driver's license or a sworn affidavit of the defendant declaring that the driver's license has~~  
 122 ~~been lost, and the department's copy of the uniform citation or the official notice of~~  
 123 ~~conviction attached thereto.”~~

124 ~~”(B) Such person has not been convicted, or pleaded nolo contendere to a charge, of~~  
 125 ~~a violation of any provision of this chapter or Chapter 6 of this title which resulted in~~  
 126 ~~the death or injury of any individual;”~~

## 127 **SECTION 6.**

128 Said chapter is further amended by revising Code Section 40-5-60, relating to effective dates  
 129 of revocations and suspensions, as follows:

130 "40-5-60.

131 (a) All revocations and suspensions provided for in this chapter shall be effective on the  
 132 day the driver receives actual knowledge or legal notice thereof, whichever occurs first.  
 133 Notice of suspension by operation of law shall be considered legal notice. Any license  
 134 suspension or revocation mandated in this chapter following a person's conviction for any  
 135 offense, including suspensions due to the accumulation of points pursuant to Code Section  
 136 40-5-57, shall be by operation of law.

137 (b) Notwithstanding any other provision of this chapter to the contrary, for any suspension  
 138 or revocation for which the department is required to send notice to the driver, the  
 139 department shall be authorized to direct such notice to the driver's new address as reflected  
 140 in the records of the United States Postal Service in lieu of or in addition to sending such  
 141 notice to the address reflected in his or her driving record."

142 **SECTION 7.**

143 Said chapter is further amended by revising subsection (a) of Code Section 40-5-63, relating  
 144 to periods of suspension and conditions of return of drivers' licenses, as follows:

145 "(a) The driver's license of any person convicted of an offense listed in Code Section  
 146 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been  
 147 previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by  
 148 operation of law be suspended and such suspension shall be subject to the following terms  
 149 and conditions; provided, however, that any person convicted of a drug related offense  
 150 pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of  
 151 Code Section 40-5-75; and further provided that each charge for which a conviction was  
 152 obtained shall be treated as a separate transaction for the purpose of imposing a license  
 153 suspension hereunder, even if said convictions arise from a single incident; and further  
 154 provided that the department shall treat each conviction received in the order in which said  
 155 convictions are processed even if it is not the order in which said offenses occurred:

156 (1) Upon the first conviction of any such offense, with no arrest and conviction of and  
 157 no plea of nolo contendere accepted to such offense within the previous five years, as  
 158 measured from the dates of previous arrests for which convictions were obtained to the  
 159 date of the current arrest for which a conviction is obtained, the period of suspension shall  
 160 be for 12 months. At the end of 120 days, the person may apply to the department for  
 161 reinstatement of said driver's license. Such license shall be reinstated if such person  
 162 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and  
 163 pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by  
 164 mail unless such conviction was a recidivist conviction in which case the restoration fee  
 165 shall be \$510.00 or \$500.00 when such reinstatement is processed by mail, provided that,

166 if such license was suspended as a result of a conviction of an offense listed in Code  
 167 Section 40-5-54, such license shall be reinstated if such person submits proof of  
 168 completion of either a defensive driving program approved by the department or a DUI  
 169 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.  
 170 A driver's license suspended as a result of a conviction of a violation of Code Section  
 171 40-6-391 shall not become valid and shall remain suspended until such person submits  
 172 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the  
 173 prescribed restoration fee. For purposes of this paragraph, an accepted plea of nolo  
 174 contendere to an offense listed in Code Section 40-5-54 by a person who is under 18  
 175 years of age at the time of arrest shall constitute a conviction. For the purposes of this  
 176 paragraph only, an accepted plea of nolo contendere by a person 21 years of age or older,  
 177 with no conviction of and no plea of nolo contendere accepted to a charge of violating  
 178 Code Section 40-6-391 within the previous five years, as measured from the dates of  
 179 previous arrests for which convictions were obtained or pleas of nolo contendere accepted  
 180 to the date of the current arrest for which a plea of nolo contendere is accepted, shall be  
 181 considered a conviction, and the court having jurisdiction shall forward, as provided in  
 182 Code Section 40-6-391.1, the record of such disposition of the case to the department and  
 183 the record of such disposition shall be kept on file for the purpose of considering and  
 184 counting such accepted plea of nolo contendere as a conviction under paragraphs (2) and  
 185 (3) of this subsection;

186 (2) Upon the second conviction of any such offense within five years, as measured from  
 187 the dates of previous arrests for which convictions were obtained to the date of the  
 188 current arrest for which a conviction is obtained, the period of suspension shall be for  
 189 three years. At the end of 120 days, the person may apply to the department for  
 190 reinstatement of said driver's license; except that if such license was suspended as a result  
 191 of a second conviction of a violation of Code Section 40-6-391 within five years, the  
 192 person shall not be eligible to apply for license reinstatement until the end of 18 months.  
 193 Such license shall be reinstated if such person submits proof of completion of a DUI  
 194 Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of ~~\$210.00~~  
 195 \$310.00 or ~~\$200.00~~ \$300.00 when such reinstatement is processed by mail unless such  
 196 conviction was a recidivist conviction in which case the restoration fee shall be \$510.00  
 197 or \$500.00 when processed by mail, provided that, if such license was suspended as a  
 198 result of a conviction of an offense listed in Code Section 40-5-54, such license shall be  
 199 reinstated if such person submits proof of completion of either a defensive driving  
 200 program approved by the department or a DUI Alcohol or Drug Use Risk Reduction  
 201 Program and pays the prescribed restoration fee. A driver's license suspended as a result  
 202 of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall

203 remain suspended until such person submits proof of completion of a DUI Alcohol or  
 204 Drug Use Risk Reduction Program, provides proof of installation and maintenance of an  
 205 ignition interlock device for a period of six months coinciding with the issuance of an  
 206 ignition interlock device limited driving permit as provided in Code Section 40-5-64  
 207 unless waived due to financial hardship, and pays the prescribed restoration fee. For  
 208 purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of  
 209 nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period  
 210 of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo  
 211 contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas  
 212 of nolo contendere within five years, as measured from the dates of previous arrests for  
 213 which convictions were obtained or pleas of nolo contendere were accepted to the date  
 214 of the current arrest for which a plea of nolo contendere is accepted, shall be considered  
 215 and counted as convictions; or

216 (3) Upon the third conviction of any such offense within five years, as measured from  
 217 the dates of previous arrests for which convictions were obtained to the date of the  
 218 current arrest for which a conviction is obtained, such person shall be considered a  
 219 habitual violator, and said license shall be revoked as provided for in paragraph (1) of  
 220 subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo  
 221 contendere and all previous accepted pleas of nolo contendere to an offense listed in Code  
 222 Section 40-5-54 within such five-year period shall constitute a conviction. For the  
 223 purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo  
 224 contendere to a charge of violating Code Section 40-6-391 within five years, as measured  
 225 from the dates of previous arrests for which convictions were obtained or pleas of nolo  
 226 contendere were accepted to the date of the current arrest for which a plea of nolo  
 227 contendere is accepted, shall be considered and counted as convictions."

228

### SECTION 8.

229 Said chapter is further amended by revising subsection (a) of Code Section 40-5-64, relating  
 230 to limited driving permits, as follows:

231 *"(a) To whom issued.*

232 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
 233 other Code section of this chapter, any person who has not been previously convicted or  
 234 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
 235 measured from the dates of previous arrests for which convictions were obtained or pleas  
 236 of nolo contendere were accepted to the date of the current arrest for which a conviction  
 237 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
 238 permit when and only when that person's driver's license has been suspended in

239 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
 240 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,  
 241 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code  
 242 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for  
 243 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,  
 244 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a  
 245 limited driving permit.

246 (2) Any person whose driver's license has been suspended and who is subject to a court  
 247 order for installation and use of an ignition interlock device as a condition of probation  
 248 pursuant to the provisions Article 7 of Chapter 8 of Title 42 may apply for a limited  
 249 driving permit.

250 (3) To the extent a person is subject to more than one suspension for which a permit may  
 251 be issued, the department shall not issue such permit unless the suspensions are for a  
 252 conviction for driving under the influence in violation of Code Section 40-6-391 imposed  
 253 pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to  
 254 paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same  
 255 incident."

256

#### SECTION 9.

257 Said chapter is further amended by revising subsections (c), (d), and (f) of Code Section  
 258 40-5-67.1, relating to testing for driving under the influence and administrative license  
 259 suspensions, as follows:

260 "(c) If a person under arrest or a person who was involved in any traffic accident resulting  
 261 in serious injuries or fatalities submits to a chemical test upon the request of a law  
 262 enforcement officer and the test results indicate that a suspension or disqualification is  
 263 required under this Code section, the results shall be reported to the department. Upon the  
 264 receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable  
 265 grounds to believe the arrested person had been driving or was in actual physical control  
 266 of a moving motor vehicle upon the highways or elsewhere throughout this state in  
 267 violation of Code Section 40-6-391 or that such person had been driving or was in actual  
 268 physical control of a moving motor vehicle upon the highways or elsewhere throughout this  
 269 state and was involved in a traffic accident involving serious injuries or fatalities and that  
 270 the person submitted to a chemical test at the request of the law enforcement officer and  
 271 the test results indicate either an alcohol concentration of 0.08 grams or more or, for a  
 272 person under the age of 21, an alcohol concentration of 0.02 grams or more, the department  
 273 shall suspend the person's driver's license, permit, or nonresident operating privilege  
 274 pursuant to Code Section 40-5-67.2, subject to review as provided for in this chapter.

275 Upon the receipt of a sworn report of the law enforcement officer that the arrested person  
276 had been operating or was in actual physical control of a moving commercial motor vehicle  
277 and the test results indicate an alcohol concentration of 0.04 grams or more, the department  
278 shall disqualify the person from operating a motor vehicle for a minimum period of one  
279 year.

280 (d) If a person under arrest or a person who was involved in any traffic accident resulting  
281 in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to  
282 submit to a chemical test designated by the law enforcement officer as provided in  
283 subsection (a) of this Code section, no test shall be given; but the law enforcement officer  
284 shall report the refusal to the department. Upon the receipt of a sworn report of the law  
285 enforcement officer that the officer had reasonable grounds to believe the arrested person  
286 had been driving or was in actual physical control of a moving motor vehicle upon the  
287 highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that  
288 such person had been driving or was in actual physical control of a moving motor vehicle  
289 upon the highways or elsewhere throughout this state and was involved in a traffic accident  
290 which resulted in serious injuries or fatalities and that the person had refused to submit to  
291 the test upon the request of the law enforcement officer, the department shall suspend the  
292 person's driver's license, permit, or nonresident operating privilege for a period of one year  
293 or if the person was operating or in actual physical control of a commercial motor vehicle,  
294 the department shall disqualify the person from operating a commercial motor vehicle and  
295 shall suspend the person's driver's license, permit, or nonresident operating privilege,  
296 subject to review as provided for in this chapter."

297 "(f)(1) The law enforcement officer, acting on behalf of the department, shall personally  
298 serve the notice of intention to suspend or disqualify the license of the arrested person or  
299 other person refusing such test on such person at the time of the person's refusal to submit  
300 to a test or at the time at which such a test indicates that suspension or disqualification  
301 is required under this Code section. The law enforcement officer shall take possession  
302 of any driver's license or permit held by any person whose license is subject to suspension  
303 pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a 30 day  
304 temporary permit. The officer shall forward the person's driver's license to the  
305 department along with the notice of intent to suspend or disqualify and the sworn report  
306 required by subsection (c) or (d) of this Code section within ten calendar days after the  
307 date of the arrest of such person. This paragraph shall not apply to any person issued a  
308 180 day temporary permit pursuant to subsection (b) of Code Section 40-5-67. The  
309 failure of the officer to transmit the sworn report required by this Code section within ten  
310 calendar days shall not prevent the department from accepting such report and utilizing  
311 it in the suspension of a driver's license as provided in this Code section.

312 (2) If notice has not been given by the arresting officer, the department, upon receipt of  
 313 the ~~sworn~~ report of such officer, shall suspend the person's driver's license, permit, or  
 314 nonresident operating privilege or disqualify such person from operating a motor vehicle  
 315 and, by regular mail, at the last known address, notify such person of such suspension or  
 316 disqualification. The notice shall inform the person of the grounds of suspension or  
 317 disqualification, the effective date of the suspension or disqualification, and the right to  
 318 review. The notice shall be deemed received three days after mailing."

### 319 SECTION 10.

320 Said chapter is further amended by revising subsection (a) of Code Section 40-5-67.2,  
 321 relating to terms and conditions of administrative license suspensions, as follows:

322 "(a) Any driver's license required to be suspended under subsection (c) of Code Section  
 323 40-5-67.1 shall be suspended subject to the following terms and conditions:

324 (1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1  
 325 within the previous five years, as measured from the dates of previous arrests for which  
 326 a suspension was obtained to the date of the current arrest for which a suspension is  
 327 obtained, the period of suspension shall be for one year. Not sooner than 30 days  
 328 following the effective date of suspension, the person may apply to the department for  
 329 reinstatement of his or her driver's license. Such license shall be reinstated if such person  
 330 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and  
 331 pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by  
 332 mail unless such conviction was a recidivist conviction in which case the restoration fee  
 333 shall be \$510.00 or \$500.00 when processed by mail. A driver's license suspended  
 334 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended  
 335 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk  
 336 Reduction Program and pays the prescribed restoration fee.

337 (2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1  
 338 within five years, as measured from the dates of previous arrests for which suspensions  
 339 were obtained to the date of the current arrest for which a suspension is obtained, the  
 340 period of suspension shall be for three years. The person shall be eligible to apply to the  
 341 department for license reinstatement not sooner than 18 months following the effective  
 342 date of suspension. Such license shall be reinstated if such person submits proof of  
 343 completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a  
 344 restoration fee of ~~\$210.00~~ \$310.00 or ~~\$200.00~~ \$300.00 when such reinstatement is  
 345 processed by mail unless such conviction was a recidivist conviction in which case the  
 346 restoration fee shall be \$510.00 or \$500.00 when processed by mail. A driver's license  
 347 suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain

348 suspended until such person submits proof of completion of a DUI Alcohol or Drug Use  
349 Risk Reduction Program and pays the prescribed restoration fee.

350 (3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section  
351 40-5-67.1 within five years, as measured from the dates of previous arrests for which  
352 suspensions were obtained to the date of the current arrest for which a suspension is  
353 obtained, the period of suspension shall be for five years. A driver's license suspended  
354 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended  
355 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk  
356 Reduction Program and pays ~~the prescribed restoration fee~~ a restoration fee of \$410.00  
357 or \$400.00 when such reinstatement is processed by mail. The driver may apply for a  
358 probationary license pursuant to Code Section 40-5-58 after the expiration of two years  
359 from the effective date of suspension."

360

### SECTION 11.

361 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section  
362 40-5-75, relating to suspensions of drivers' licenses for controlled substance convictions, as  
363 follows:

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

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

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

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

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

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

- 384 (ii) Receiving scheduled medical care or obtaining prescription drugs;  
 385 (iii) Attending a college or school at which he or she is regularly enrolled as a  
 386 student; or  
 387 (iv) Attending regularly scheduled sessions or meetings of support organizations for  
 388 persons who have addiction or abuse problems related to alcohol or other drugs,  
 389 which organizations are recognized by the commissioner.

390 At the end of five years from the date on which the license was suspended, the person  
 391 may apply to the department for reinstatement of his or her driver's license by submitting  
 392 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying  
 393 to the Department of Driver Services a restoration fee of \$410.00 or \$400.00 when such  
 394 reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo  
 395 contendere and all previous pleas of nolo contendere within such five-year period of time  
 396 shall constitute a conviction."

397 **SECTION 12.**

398 Said chapter is further amended by revising subsection (d) of Code Section 40-5-84, relating  
 399 to reinstatement of suspended drivers' licenses for points, as follows:

400 "(d) The license of any person whose license is suspended for the second time within a  
 401 five-year period as a result of the assessment of points pursuant to Code Section 40-5-57  
 402 shall be reinstated by the department immediately upon receipt by the department of a  
 403 certificate of completion of an ~~advanced~~ approved defensive driving course and the  
 404 payment of a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed  
 405 by mail."

406 **SECTION 13.**

407 Said chapter is further amended by revising subsections (c), (e), and (f) of Code Section  
 408 40-5-103, relating to identification cards, as follows:

409 "(c) The department shall not be authorized to collect a fee for an identification card from  
 410 those persons who are entitled to a free veterans' or honorary driver's license under the  
 411 provisions of Code Section 40-5-36."

412 "(e) The commissioner may by rule authorize incentive discounts where identification  
 413 cards are renewed by Internet, telephone, or mail. Any person who has previously been  
 414 issued a driver's license who transitions from such license or applies for an identification  
 415 card in addition to such license shall be eligible for such incentive discounts.

416 (f)(1) Every identification card shall be renewed on or before its expiration upon  
 417 application, payment of the required fee, and, if applicable, satisfactory completion of any  
 418 other requirements imposed by law.

- 419 (2) An application for renewal of an identification card may be submitted by:
- 420 (A) Personal appearance before the department; or
- 421 (B) Subject to rules or regulations of the department consistent with considerations of
- 422 public safety and efficiency of service to identification card holders, means other than
- 423 personal appearance which may include, without limitation, by mail or electronically.
- 424 The department may by such rules or regulations exempt persons renewing, obtaining,
- 425 or transitioning to identification cards under this paragraph from any surrender
- 426 requirement imposed under Georgia law.
- 427 (3) Notwithstanding any other provision of this Code section, there shall be no fee
- 428 whatsoever for replacement of any identification card solely due to a change of the
- 429 identification card holder's name or address, provided that such replacement identification
- 430 card shall be valid only for the remaining period of such original term; and provided,
- 431 further, that only one such free replacement identification card may be obtained within
- 432 the period for which the identification card was originally issued. Any application for the
- 433 replacement of a lost identification card or due to a change in the identification card
- 434 holder's name or address submitted within 150 days of the expiration of said
- 435 identification card shall be treated as an application for renewal subject to the applicable
- 436 fees as set forth in this Code section."

437 **SECTION 14.**

438 Said chapter is further amended by revising paragraph (22) of Code Section 40-5-142,

439 relating to definitions applicable to commercial drivers' licenses, as follows:

- 440 "(22) 'Serious traffic violation' means conviction of any of the following offenses or a
- 441 conviction of any law or ordinance equivalent thereto in this state, in any other state, or
- 442 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless
- 443 otherwise specified, a noncommercial motor vehicle:
- 444 (A) Speeding 15 or more miles per hour above the posted speed limit;
- 445 (B) Reckless driving;
- 446 (C) Following another vehicle too closely;
- 447 (D) Improper or erratic lane change, including failure to signal a lane change;
- 448 (E) A violation, arising in connection with a fatal crash, of state law or a local
- 449 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,
- 450 height, and vehicle defect violations, and excluding homicide by vehicle as defined in
- 451 Code Section 40-6-393;
- 452 (F) A railroad grade crossing violation in a noncommercial motor vehicle;
- 453 (G) Driving a commercial motor vehicle without obtaining a commercial driver's
- 454 license;

455 (H) Driving a commercial motor vehicle without a commercial driver's license in the  
 456 driver's immediate possession, and excluding such violations when the person's  
 457 commercial driver's license or commercial driving privilege is suspended, revoked,  
 458 canceled, or disqualified; ~~or~~

459 (I) Driving a commercial motor vehicle without a commercial driver's license of the  
 460 proper class and endorsements for the specific vehicle being operated or for the  
 461 passengers or type of cargo transported; or

462 (J) Use of a wireless telecommunications device in violation of Code Section  
 463 40-6-241.2."

464 **SECTION 15.**

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

466 "40-5-148.3.

467 (a) Any person applying for issuance or renewal of a commercial driver's license shall  
 468 submit a certification of his or her type of driving and a current medical examiner's  
 469 certificate to the department as required by 49 C.F.R. Parts 383 and 391. Receipt of such  
 470 current medical examiner's certificate shall be reflected upon such person's driving record  
 471 and posted to his or her CDLIS driver record as his or her medical certification status.

472 (b) Upon the expiration of the medical examiner's certificate submitted to the department  
 473 pursuant to this Code section, the department shall update the medical certification status  
 474 of such person on his or her driving record and his or her CDLIS driving record. The  
 475 department shall notify such person of the change of his or her medical certification status  
 476 and advise such person that he or she will be disqualified from operating a commercial  
 477 motor vehicle indefinitely if such person does not submit a current medical examiner's  
 478 certificate to the department within 60 days. Such notice shall be sent via certified mail or  
 479 such other delivery service obtained by the department that results in delivery confirmation  
 480 to the address reflected on its records as the driver's mailing address.

481 (c) A commercial driving disqualification imposed as the result of the expiration of a  
 482 medical examiner's certificate shall be reinstated, and changes to a person's medical  
 483 certification status shall be updated upon receipt of a current medical examiner's certificate.

484 (d) The department shall suspend the commercial driving privilege or commercial driver's  
 485 license of any person who submits a medical examiner's certificate containing false  
 486 information. The period of such suspension shall be 60 days."

487 **SECTION 16.**

488 Said chapter is further amended by revising Code Section 40-5-172, relating to identification  
 489 cards for persons with disabilities, as follows:

490 "40-5-172.

491 (a) The identification card for persons with disabilities shall be issued to a person with a  
 492 permanent disability for a period of ~~four~~ five years and shall be renewable on the  
 493 applicant's birthday in the fourth year following such issuance. Such identification cards  
 494 shall be issued to persons:

495 (1) With obvious permanent disabilities without further verification of disability; and  
 496 (2) With disabilities which are not obvious upon presentation of the current sworn  
 497 affidavit of at least one medical doctor attesting to such permanent disability. A current  
 498 affidavit shall be presented at each request for renewal.

499 (b) The identification card for persons with disabilities shall be issued to a person with a  
 500 temporary disability upon presentation of a sworn affidavit of at least one medical doctor  
 501 attesting to such disability and estimating the duration of such disability. Such  
 502 identification cards shall be issued for periods of six months. A current affidavit of a  
 503 medical doctor attesting to the continuance of such disability shall be presented at each  
 504 request for renewal thereafter.

505 (c) The commissioner may by rule authorize renewal of an identification card issued to a  
 506 person with a permanent disability by means other than personal appearance. No further  
 507 documentation of such person's disability shall be required for such renewal."

508 **SECTION 17.**

509 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department  
 510 of Driver Services, is amended by adding a new subsection to Code Section 40-16-5, relating  
 511 to the authority of the commissioner, as follows:

512 "(f) Notwithstanding any provision of law to the contrary, the commissioner is authorized  
 513 to promulgate regulations allowing for background investigations of applicants for  
 514 credentials in any of the industries regulated by the department by means other than  
 515 classifiable electronically recorded fingerprints in instances in which an applicant attempts  
 516 to comply with the applicable statutory language mandating such background investigation,  
 517 but his or her fingerprints cannot be captured electronically for reasons that are beyond the  
 518 applicant's control."

519 **SECTION 18.**

520 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is  
 521 amended by adding a new subsection to Code Section 42-8-111, relating to court ordered  
 522 installation of ignition interlock devices, as follows:

523 "(f) Exemptions granted due to financial hardship pursuant to paragraph (1) of subsection  
524 (a) of this Code section shall be exempt from the subject-matter jurisdiction limitations  
525 imposed in Code Sections 40-13-32 and 40-13-33."

526 **SECTION 19.**

527 This Act shall become effective on January 1, 2012.

528 **SECTION 20.**

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