

Senate Bill 138

By: Senators Tippins of the 37th, Williams of the 19th, Staton of the 18th, Loudermilk of the 52nd, Rogers of the 21st and others

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 by revising 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 to the effect
21 that such person is in possession of a valid Georgia driver's license or Georgia
22 identification card. The signed statement shall include the applicant's driver's license or
23 identification card number. A person making a false statement in his or her application for
24 a tag renewal shall be guilty of a violation of Code Section 16-10-20. A renewal notice
25 issued by a tag agent shall include the statement required by this subsection on the renewal

26 notice form to be returned by the applicant with an appropriate space for the applicant to
 27 sign the statement and provide his or her driver's license or identification card number."

28 **SECTION 2.**

29 Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to driver's license
 30 requirements, surrender of prior licenses, and prohibition of local licenses, is amended by
 31 revising subsection (a) as follows:

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

43 **SECTION 3.**

44 Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to driving while
 45 a license is suspended or revoked, is amended by revising subsection (a) as follows:

46 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual
 47 violator, any person who drives a motor vehicle on any public highway of this state without
 48 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
 49 or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a
 50 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
 51 nolo contendere within five years, as measured from the dates of previous arrests for which
 52 convictions were obtained to the date of the current arrest for which a conviction is
 53 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be
 54 punished by imprisonment for not less than two days nor more than 12 months, and there
 55 may be imposed in addition thereto a fine of not less than \$500.00 nor more than ~~\$1,000.00~~
 56 \$2,500.00. Such fingerprints, taken upon conviction, shall be forwarded to the Georgia
 57 Crime Information Center where an identification number shall be assigned to the
 58 individual for the purpose of tracking any future violations by the same offender. For the
 59 second and third conviction within five years, as measured from the dates of previous
 60 arrests for which convictions were obtained or pleas of nolo contendere were accepted to

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

72 **SECTION 4.**

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

76 **SECTION 5.**

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