

House Bill 269 (COMMITTEE SUBSTITUTE) (AM)

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 provide that defensive driving courses be certified and approved by the  
9 Department of Driver Services; to provide that certificates of completion from unlicensed  
10 courses shall not be recognized; to change certain provisions regarding issuance of  
11 identification cards; to change certain definitions regarding issuance of commercial drivers'  
12 licenses; to change certain requirements for issuance of an identification card for persons  
13 with disabilities; to amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated,  
14 relating to the Department of Driver Services, so as to grant authority to the commissioner  
15 to conduct background checks for certain applicants; to amend Chapter 8 of Title 42 of the  
16 Official Code of Georgia Annotated, relating to probation, so as to exempt certain  
17 transactions relating to ignition interlock devices from subject matter jurisdiction  
18 requirement; to provide for an effective date; to repeal conflicting laws; to provide for related  
19 matters; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 SECTION 1.

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

25 "(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by  
26 the Department of Driver Services which consists of two components: assessment and  
27 intervention. ~~In the case of a conviction or plea of nolo contendere to a violation of Code~~

28 ~~Section 40-6-391 or in any other instance in which a person may be referred to a DUI~~  
 29 ~~Alcohol or Drug Use Risk Reduction Program, the program administers the assessment~~  
 30 ~~component and refers such offender to the intervention component."~~

31

## SECTION 2.

32 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section  
 33 40-5-22, relating to minimum ages for licensees, as follows:

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

48

## SECTION 3.

49 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section  
 50 40-5-24, relating to instruction permits and graduated licensing, as follows:

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

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

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

62 (ii) During the six-month period immediately following issuance of such license, any  
 63 Class D license holder shall not drive a Class C motor vehicle upon the public roads,  
 64 streets, or highways of this state when any other passenger in the vehicle is not a  
 65 member of the driver's immediate family.

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

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

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

#### 77 SECTION 4.

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

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

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

**SECTION 5.**

95  
96 Said chapter is further amended by revising subsection (b) and subparagraph (e)(1)(B) of  
97 Code Section 40-5-58, relating to habitual violators, as follows:

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

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

130

**SECTION 6.**

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

133 "40-5-60.

134 (a) All revocations and suspensions provided for in this chapter shall be effective on the  
135 day the driver receives actual knowledge or legal notice thereof, whichever occurs first.  
136 Notice of suspension by operation of law shall be considered legal notice. Any license  
137 suspension or revocation mandated in this chapter following a person's conviction for any  
138 offense, including suspensions due to the accumulation of points pursuant to Code Section  
139 40-5-57, shall be by operation of law.

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

145

**SECTION 7.**

146 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section  
147 40-5-63, relating to periods of suspension and conditions of return of drivers' licenses, as  
148 follows:

149 "(2) Upon the second conviction of any such offense within five years, as measured from  
150 the dates of previous arrests for which convictions were obtained to the date of the  
151 current arrest for which a conviction is obtained, the period of suspension shall be for  
152 three years. At the end of 120 days, the person may apply to the department for  
153 reinstatement of said driver's license; except that if such license was suspended as a result  
154 of a second conviction of a violation of Code Section 40-6-391 within five years, the  
155 person shall not be eligible to apply for license reinstatement until the end of 18 months.  
156 Such license shall be reinstated if such person submits proof of completion of a DUI  
157 Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or  
158 \$200.00 when such reinstatement is processed by mail unless such conviction was a  
159 recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when  
160 processed by mail, provided that, if such license was suspended as a result of a conviction  
161 of an offense listed in Code Section 40-5-54, such license shall be reinstated if such  
162 person submits proof of completion of either a defensive driving program approved by  
163 the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the  
164 prescribed restoration fee. A driver's license suspended as a result of a conviction of a  
165 violation of Code Section 40-6-391 shall not become valid and shall remain suspended

166 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk  
 167 Reduction Program, provides proof of installation and maintenance of an ignition  
 168 interlock device for a period of six months coinciding with the issuance of an ignition  
 169 interlock device limited driving permit as provided in Code Section 40-5-64 unless  
 170 waived due to financial hardship, and pays the prescribed restoration fee. For purposes  
 171 of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo  
 172 contendere to an offense listed in Code Section 40-5-54 within such five-year period of  
 173 time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo  
 174 contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas  
 175 of nolo contendere within five years, as measured from the dates of previous arrests for  
 176 which convictions were obtained or pleas of nolo contendere were accepted to the date  
 177 of the current arrest for which a plea of nolo contendere is accepted, shall be considered  
 178 and counted as convictions; or"

179 **SECTION 8.**

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

182 "(a) **To whom issued.**

183 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any  
 184 other Code section of this chapter, any person who has not been previously convicted or  
 185 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as  
 186 measured from the dates of previous arrests for which convictions were obtained or pleas  
 187 of nolo contendere were accepted to the date of the current arrest for which a conviction  
 188 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving  
 189 permit when and only when that person's driver's license has been suspended in  
 190 accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection  
 191 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,  
 192 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code  
 193 Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for  
 194 exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour,  
 195 and the sentencing judge, in his or her discretion, decides it is reasonable to issue a  
 196 limited driving permit.

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

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

207 **SECTION 9.**

208 Said chapter is further amended by revising subsections (c), (d), and (f) of Code Section  
 209 40-5-67.1, relating to testing for driving under the influence and administrative license  
 210 suspensions, as follows:

211 "(c) If a person under arrest or a person who was involved in any traffic accident resulting  
 212 in serious injuries or fatalities submits to a chemical test upon the request of a law  
 213 enforcement officer and the test results indicate that a suspension or disqualification is  
 214 required under this Code section, the results shall be reported to the department. Upon the  
 215 receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable  
 216 grounds to believe the arrested person had been driving or was in actual physical control  
 217 of a moving motor vehicle upon the highways or elsewhere throughout this state in  
 218 violation of Code Section 40-6-391 or that such person had been driving or was in actual  
 219 physical control of a moving motor vehicle upon the highways or elsewhere throughout this  
 220 state and was involved in a traffic accident involving serious injuries or fatalities and that  
 221 the person submitted to a chemical test at the request of the law enforcement officer and  
 222 the test results indicate either an alcohol concentration of 0.08 grams or more or, for a  
 223 person under the age of 21, an alcohol concentration of 0.02 grams or more, the department  
 224 shall suspend the person's driver's license, permit, or nonresident operating privilege  
 225 pursuant to Code Section 40-5-67.2, subject to review as provided for in this chapter.  
 226 Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the arrested person  
 227 had been operating or was in actual physical control of a moving commercial motor vehicle  
 228 and the test results indicate an alcohol concentration of 0.04 grams or more, the department  
 229 shall disqualify the person from operating a motor vehicle for a minimum period of one  
 230 year.

231 (d) If a person under arrest or a person who was involved in any traffic accident resulting  
 232 in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to  
 233 submit to a chemical test designated by the law enforcement officer as provided in  
 234 subsection (a) of this Code section, no test shall be given; but the law enforcement officer  
 235 shall report the refusal to the department. Upon the receipt of a ~~sworn~~ report of the law  
 236 enforcement officer that the officer had reasonable grounds to believe the arrested person

237 had been driving or was in actual physical control of a moving motor vehicle upon the  
238 highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that  
239 such person had been driving or was in actual physical control of a moving motor vehicle  
240 upon the highways or elsewhere throughout this state and was involved in a traffic accident  
241 which resulted in serious injuries or fatalities and that the person had refused to submit to  
242 the test upon the request of the law enforcement officer, the department shall suspend the  
243 person's driver's license, permit, or nonresident operating privilege for a period of one year  
244 or if the person was operating or in actual physical control of a commercial motor vehicle,  
245 the department shall disqualify the person from operating a commercial motor vehicle and  
246 shall suspend the person's driver's license, permit, or nonresident operating privilege,  
247 subject to review as provided for in this chapter."

248 "(f)(1) The law enforcement officer, acting on behalf of the department, shall personally  
249 serve the notice of intention to suspend or disqualify the license of the arrested person or  
250 other person refusing such test on such person at the time of the person's refusal to submit  
251 to a test or at the time at which such a test indicates that suspension or disqualification  
252 is required under this Code section. The law enforcement officer shall take possession  
253 of any driver's license or permit held by any person whose license is subject to suspension  
254 pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a 30 day  
255 temporary permit. The officer shall forward the person's driver's license to the  
256 department along with the notice of intent to suspend or disqualify and the ~~sworn~~ report  
257 required by subsection (c) or (d) of this Code section within ten calendar days after the  
258 date of the arrest of such person. This paragraph shall not apply to any person issued a  
259 180 day temporary permit pursuant to subsection (b) of Code Section 40-5-67. The  
260 failure of the officer to transmit the ~~sworn~~ report required by this Code section within ten  
261 calendar days shall not prevent the department from accepting such report and utilizing  
262 it in the suspension of a driver's license as provided in this Code section.

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

270

**SECTION 10.**

271 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section  
 272 40-5-75, relating to suspensions of drivers' licenses for controlled substance convictions, as  
 273 follows:

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

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

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

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

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

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

294 (ii) Receiving scheduled medical care or obtaining prescription drugs;

295 (iii) Attending a college or school at which he or she is regularly enrolled as a  
 296 student; or

297 (iv) Attending regularly scheduled sessions or meetings of support organizations for  
 298 persons who have addiction or abuse problems related to alcohol or other drugs,  
 299 which organizations are recognized by the commissioner.

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

307 **SECTION 11.**

308 Said chapter is further amended by revising subsection (a) of Code Section 40-5-81, relating  
309 to optional driver improvement programs, as follows:

310 "(a) Any driver improvement program at which attendance is required by court order shall  
311 conform to the requirements of this article. When a defensive driving course is required  
312 by a court having jurisdiction over misdemeanor traffic law offenses or by any prosecuting  
313 attorney thereof, such course shall be certified and approved by the department under the  
314 provisions of Code Sections 40-5-82 and 40-5-83. Certificates of completion from  
315 unlicensed defensive driving courses shall not be recognized for any purposes under this  
316 article."

317 **SECTION 12.**

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

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

326 **SECTION 13.**

327 Said chapter is further amended by revising subsections (c), (e), and (f) of Code Section  
328 40-5-103, relating to identification cards, as follows:

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

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

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

339 (2) An application for renewal of an identification card may be submitted by:

340 (A) Personal appearance before the department; or

341 (B) Subject to rules or regulations of the department consistent with considerations of  
 342 public safety and efficiency of service to identification card holders, means other than  
 343 personal appearance which may include, without limitation, by mail or electronically.  
 344 The department may by such rules or regulations exempt persons renewing, obtaining,  
 345 or transitioning to identification cards under this paragraph from any surrender  
 346 requirement imposed under Georgia law.

347 (3) Notwithstanding any other provision of this Code section, there shall be no fee  
 348 whatsoever for replacement of any identification card solely due to a change of the  
 349 identification card holder's name or address, provided that such replacement identification  
 350 card shall be valid only for the remaining period of such original term; and provided,  
 351 further, that only one such free replacement identification card may be obtained within  
 352 the period for which the identification card was originally issued. Any application for the  
 353 replacement of a lost identification card or due to a change in the identification card  
 354 holder's name or address submitted within 150 days of the expiration of said  
 355 identification card shall be treated as an application for renewal subject to the applicable  
 356 fees as set forth in this Code section."

357 **SECTION 14.**

358 Said chapter is further amended by revising paragraph (22) of Code Section 40-5-142,  
 359 relating to definitions applicable to commercial drivers' licenses, as follows:

360 "(22) 'Serious traffic violation' means conviction of any of the following offenses or a  
 361 conviction of any law or ordinance equivalent thereto in this state, in any other state, or  
 362 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless  
 363 otherwise specified, a noncommercial motor vehicle:

364 (A) Speeding 15 or more miles per hour above the posted speed limit;

365 (B) Reckless driving;

366 (C) Following another vehicle too closely;

367 (D) Improper or erratic lane change, including failure to signal a lane change;

368 (E) A violation, arising in connection with a fatal crash, of state law or a local  
 369 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,  
 370 height, and vehicle defect violations, and excluding homicide by vehicle as defined in  
 371 Code Section 40-6-393;

372 (F) A railroad grade crossing violation in a noncommercial motor vehicle;

373 (G) Driving a commercial motor vehicle without obtaining a commercial driver's  
 374 license;

375 (H) Driving a commercial motor vehicle without a commercial driver's license in the  
 376 driver's immediate possession, and excluding such violations when the person's

377 commercial driver's license or commercial driving privilege is suspended, revoked,  
 378 canceled, or disqualified; ~~or~~  
 379 (I) Driving a commercial motor vehicle without a commercial driver's license of the  
 380 proper class and endorsements for the specific vehicle being operated or for the  
 381 passengers or type of cargo transported; or  
 382 (J) Use of a wireless telecommunications device in violation of Code Section  
 383 40-6-241.2 while driving a commercial motor vehicle."

384 **SECTION 15.**

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

386 "40-5-148.3.

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

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

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

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

407 **SECTION 16.**

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

410 "40-5-172.

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

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

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

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

428 **SECTION 17.**

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

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

439 **SECTION 18.**

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

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

446

**SECTION 19.**

447 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in  
 448 driver training and operators of driver training schools, is amended by revising paragraph (4)  
 449 of Code Section 43-13-4, relating to qualifications of driver training school operators, as  
 450 follows:

451 "(4) Provide a continuous surety company bond in the principal sum of ~~\$2,500.00~~  
 452 \$10,000.00 for the protection of the contractual rights of students in such form as will  
 453 meet with the approval of the department and written by a company authorized to do  
 454 business in this state; provided, however, that the aggregate liability of the surety for all  
 455 breaches of the condition of the bond in no event shall exceed the principal sum of  
 456 ~~\$2,500.00~~ \$10,000.00 per location, and a single bond at such rate for all schools operated  
 457 by the same person may be provided in satisfaction of this paragraph. The surety on any  
 458 such bond may cancel such bond on giving 30 days' notice thereof in writing to the  
 459 department and shall be relieved of liability for any breach of any condition of the bond  
 460 which occurs after the effective date of cancellation. If at any time said bond is not valid  
 461 and in force, the license of the school or program shall be deemed suspended by operation  
 462 of law until a valid surety company bond is again in force;"

463

**SECTION 20.**

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

465

**SECTION 21.**

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