

Senate Bill 84

By: Senators Gooch of the 51st, Hill of the 32nd, Carter of the 1st, Beach of the 21st, Tolleson of the 20th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to commercial drivers' licenses, so as to prohibit persons convicted of felonies or
3 serious criminal offenses against victims who are minors from driving school and charter
4 buses; to provide for related matters; to provide for an effective date and applicability; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
9 commercial drivers' licenses, is amended by adding a new Code section to read as follows:
10 "40-5-145.1.

11 (a) In order to be eligible for a 'P' or 'S' endorsement pursuant to Code Section 40-5-150,
12 an applicant shall:

13 (1) Be at least 18 years of age;

14 (2) Possess a valid Georgia driver's license which is not limited as defined in Code
15 Section 40-5-64;

16 (3) Not have been convicted of any felony offense or any other offense which is a
17 dangerous sexual offense as provided for in Code Section 42-1-12 or any offense against
18 a victim who was a minor at the time of the offense. For the purposes of this paragraph,
19 a plea of nolo contendere and a plea under the first offender provisions allowing for an
20 adjudication to be withheld shall be considered to be a conviction;

21 (4) Submit at least one set of classifiable electronically recorded fingerprints to the
22 Department of Public Safety in accordance with the fingerprint system of identification
23 established by the director of the Federal Bureau of Investigation. The department shall
24 transmit the fingerprints to the Georgia Crime Information Center, which shall submit the
25 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
26 appropriate report and promptly conduct a search of state records based upon the

27 fingerprints. After receiving the report from the Georgia Crime Information Center and
28 the Federal Bureau of Investigation, the department shall determine whether the applicant
29 may receive the 'P' or 'S' endorsement; and
30 (5) Be a United States citizen or, if not a citizen, present federal documentation verified
31 by the United States Department of Homeland Security to be valid documentary evidence
32 of lawful presence in the United States under federal immigration law.
33 (b) The department is authorized to promulgate rules and regulations as necessary to
34 implement this Code section."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2013, and shall apply to offenses committed on
37 or after such date.

38 **SECTION 3.**

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