

The Senate Committee on Public Safety offers the following substitute to SB 100:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to revise provisions regarding licensing for the operation of motor vehicles and
3 the operation of motor vehicles; to provide for applicability with current federal regulations
4 in the safe operations of motor carriers and commercial motor vehicles; to provide for
5 definitions; to provide for registration and regulation of for-hire intrastate motor carriers and
6 intrastate motor carriers; to amend Article 2 of Chapter 3 of Title 3, Article 1 of Chapter 11
7 of Title 19, Chapter 2 of Title 20, and Chapter 5 of Title 40 of the Official Code of Georgia
8 Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages
9 generally, the Child Support Recovery Act, elementary and secondary education, and drivers'
10 licenses, respectively, so as to repeal certain provisions for driver's license suspensions not
11 directly related to traffic safety; to revise penalties for pleas of nolo contendere regarding
12 driver's license suspensions; to provide for related matters; to provide for an effective date
13 and applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**PART I**
16 style="text-align:center">**SECTION 1-1.**

17 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
18 amended by revising subparagraph (A) of paragraph (8.3) of Code Section 40-1-1, relating
19 to definitions, as follows:

20 "(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle
21 weight, or gross combination weight of ~~4,537~~ 4,536 kg (10,001 lbs.) or more;"

22 style="text-align:center">**SECTION 1-2.**

23 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
24 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor

25 vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as
 26 follows:

27 "(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and
 28 effect on January 1, ~~2014~~ 2015."

29 SECTION 1-3.

30 Said title is further amended by revising Code Section 40-2-1, relating to definitions, as
 31 follows:

32 "40-2-1.

33 As used in this chapter, the term:

34 (1) 'Cancellation of vehicle registration' means the annulment or termination by formal
 35 action of the department of a person's vehicle registration because of an error or defect
 36 in the registration or because the person is no longer entitled to such registration. The
 37 cancellation of registration is without prejudice and application for a new registration
 38 may be made at any time after such cancellation.

39 (2) 'Commissioner' means the state revenue commissioner.

40 (3) 'Department' means the Department of Revenue.

41 (4) 'For-hire intrastate motor carrier' means an entity engaged in the transportation of
 42 goods or ten or more passengers for compensation wholly within the boundaries of this
 43 state.

44 (5) 'Intrastate motor carrier' means any self-propelled or towed motor vehicle operated
 45 by an entity that is used on a highway in intrastate commerce to transport passengers or
 46 property and:

47 (A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle
 48 weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is
 49 greater;

50 (B) Is designed or used to transport more than ten passengers, including the driver, and
 51 is not used to transport passengers for compensation; or

52 (C) Is used to transport material found by the United States Secretary of Transportation
 53 to be hazardous pursuant to 49 U.S.C. Section 5103 and is transported in any quantity.

54 ~~(4)~~(6) 'Motor carrier' means:

55 (A) Any entity subject to the terms of the Unified Carrier Registration Agreement
 56 pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate
 57 commerce, or both; or

58 (B) Any entity defined by the commissioner or commissioner of public safety who
 59 operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5
 60 or this chapter whether operated in interstate or intrastate commerce, or both.

61 (5)(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902,
 62 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

63 (6)(8) 'Regulatory compliance inspection' means the examination of facilities, property,
 64 buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting
 65 documentation kept or required to be kept in the normal course of motor carrier business
 66 or enterprise operations.

67 (7)(9) 'Resident' means a person who has a permanent home or domicile in Georgia and
 68 to which, having been absent, he or she has the intention of returning. For the purposes
 69 of this chapter, there is a rebuttable presumption that any person who, except for
 70 infrequent, brief absences, has been present in the state for 30 or more days is a resident.

71 (8)(10) 'Revocation of vehicle registration' means the termination by formal action of the
 72 department of a vehicle registration, which registration shall not be subject to renewal or
 73 reinstatement, except that an application for a new registration may be presented and
 74 acted upon by the department after the expiration of the applicable period of time
 75 prescribed by law.

76 (9)(11) 'Suspension of vehicle registration' means the temporary withdrawal by formal
 77 action of the department of a vehicle registration, which temporary withdrawal shall be
 78 for a period specifically designated by the department."

79 SECTION 1-4.

80 Said title is further amended by revising subsections (d), (e), and (f) of Code Section
 81 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of
 82 2005 by the Department of Public Safety, registration and fee requirements, evidence of
 83 continuing education, requirements for obtaining operating authority, collection, retention,
 84 and utilization of fees, regulatory compliance inspections, and penalties, as follows:

85 "(d)(1) Any intrastate motor carrier, leasing company leasing to a motor carrier, broker,
 86 or freight forwarder that engages in intrastate commerce and operates a motor vehicle on
 87 or over any public highway of this state shall register with the commissioner and pay a
 88 fee determined by the commissioner.

89 (2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed
 90 with the commissioner ~~or the Federal Motor Carrier Safety Administration or any~~
 91 ~~successor agency~~ a certificate of insurance for such applicant or holder, on forms
 92 prescribed by the commissioner, evidencing a policy of indemnity insurance by an
 93 insurance company licensed to do business in this state. Such policy shall provide for the
 94 protection of passengers in passenger vehicles and the protection of the public against the
 95 negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is
 96 determined to be the proximate cause of any injury. The commissioner shall determine

97 and fix the amounts of such indemnity insurance and shall prescribe the provisions and
 98 limitations thereof. The insurer shall file such certificate. Failure to file any form
 99 required by the commissioner shall not diminish the rights of any person to pursue an
 100 action directly against a for-hire intrastate motor carrier's insurer. The insurer may file
 101 its certificate of insurance electronically with the commissioner.

102 (3) The commissioner shall have the power to permit self-insurance in lieu of a policy
 103 of indemnity insurance whenever in his or her opinion the financial ability of the motor
 104 carrier so warrants.

105 (4) Any person having a cause of action, whether arising in tort or contract, under this
 106 Code section may join in the same cause of action the motor carrier and its insurance
 107 carrier.

108 (e) Before any intrastate motor carrier engaged in exempt passenger intrastate commerce
 109 shall operate any motor vehicle on or over any public highway of this state, the intrastate
 110 motor carrier shall register with the commissioner and pay a fee determined by the
 111 commissioner.

112 (f) Prior to the issuance of the initial registration to any intrastate motor carrier ~~Before any~~
 113 ~~motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005~~
 114 ~~by the Department of Public Safety pursuant to subsection (d) or (e) of this Code section,~~
 115 ~~that intrastate motor carrier shall furnish evidence to the Department of Public Safety that~~
 116 ~~the intrastate motor carrier, through an authorized representative, has completed, within the~~
 117 ~~preceding 12 months, an educational seminar on motor carrier operations and safety~~
 118 ~~regulations that has been certified by the commissioner."~~

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PART II

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SECTION 2-1.

121 Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
 122 prohibited acts regarding the regulation of alcoholic beverages generally, is amended in Code
 123 Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23,
 124 by revising paragraph (3) of subsection (b) as follows:

125 ~~"(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this~~
 126 ~~subsection, the driver's license of any person convicted of attempting to purchase an~~
 127 ~~alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23~~
 128 ~~upon the first conviction shall be suspended for six months and upon the second or~~
 129 ~~subsequent conviction shall be suspended for one year."~~

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SECTION 2-2.

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Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Support Recovery Act, is amended in Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with child support order, interagency agreements, and report to General Assembly, by adding a new subsection to read as follows:

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"(p) The department shall inform delinquent obligors of resources available which may remedy such delinquent obligor's license suspension."

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SECTION 2-3.

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Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (f) of Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement the Quality Basic Education Program, and the state-wide comprehensive educational information network, as follows:

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"(f) Notwithstanding any other provision of law, the Department of Education is authorized to and shall obtain and provide to the Department of ~~Public Safety~~ Driver Services, in a form to be agreed upon between the Department of Education and the Department of ~~Public Safety~~ Driver Services, enrollment, ~~attendance~~ expulsion, and suspension information regarding minors 15 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22."

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SECTION 2-4.

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Said chapter is further amended by revising paragraph (5) of subsection (b) and paragraph (6) of subsection (c) of Code Section 20-2-690, relating to educational entities and requirements by private schools and home study programs, as follows:

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"(5) Within 30 days after the beginning of each school year, it shall be the duty of the administrator of each private school to provide to the school superintendent of each local public school district which has residents enrolled in the private school a list of the name, age, and residence of each resident so enrolled. At the end of each school month, it shall be the duty of the administrator of each private school to notify the school superintendent of each local public school district of the name, age, and residence of each student residing in the public school district who enrolls or terminates enrollment at the private school during the immediately preceding school month. Such records shall indicate when attendance has been suspended and the grounds for such suspension. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to

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165 the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~
 166 enrollment by the Department of Driver Services for the purposes set forth in subsection
 167 (a.1) of Code Section 40-5-22; and"

168 "(6) The parent or guardian shall have the authority to execute any document required
 169 by law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 170 program, the student's full-time or part-time status, the student's grades, or any other
 171 required educational information. This shall include, but not be limited to, documents for
 172 purposes of verification of ~~attendance~~ enrollment by the Department of Driver Services,
 173 for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents
 174 required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any
 175 documents required to apply for the receipt of state or federal public assistance;"

176 **SECTION 2-5.**

177 Said chapter is further amended by revising subsection (g) of Code Section 20-2-690.2,
 178 relating to the establishment of student attendance protocol committee, membership and
 179 protocol, summary of penalties for failure to comply, and reporting, as follows:

180 "(g) The committee shall write the summary of possible consequences and penalties for
 181 failing to comply with compulsory attendance under Code Section 20-2-690.1 for children
 182 and their parents, guardians, or other persons who have control or charge of children for
 183 distribution by schools in accordance with Code Section 20-2-690.1. The summary of
 184 possible consequences for children shall include possible dispositions for children in need
 185 of services and possible denial ~~or suspension~~ of a driver's license for a child in accordance
 186 with Code Section 40-5-22."

187 **SECTION 2-6.**

188 Said chapter is further amended by revising subsection (a) of Code Section 20-2-697, relating
 189 to cooperation of principals and teachers in public schools with visiting teachers and
 190 attendance officers, attendance reports and records kept by public schools, and letter
 191 indicating enrollment, as follows:

192 "(a) Visiting teachers and attendance officers shall receive the cooperation and assistance
 193 of all teachers and principals of public schools in the local school systems within which
 194 they are appointed to serve. It shall be the duty of the principals or local school site
 195 administrators and of the teachers of all public schools to report, in writing, to the visiting
 196 teacher or attendance officer of the local school system the names, ages, and residences of
 197 all students in attendance at their schools and classes within 30 days after the beginning of
 198 the school term or terms and to make such other reports of attendance in their schools or
 199 classes as may be required by rule or regulation of the State Board of Education. All public

200 schools shall keep daily records of attendance, verified by the teachers certifying such
 201 records. Such reports shall be open to inspection by the visiting teacher, attendance officer,
 202 or duly authorized representative at any time during the school day. Any such attendance
 203 records and reports which identify students by name shall be used only for the purpose of
 204 providing necessary attendance information required by the state board or by law, except
 205 with the permission of the parent or guardian of a child, pursuant to the subpoena of a court
 206 of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department
 207 of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code
 208 Section 40-5-22. Such attendance records shall also be maintained in a format which does
 209 not identify students by name, and in this format shall be a part of the data collected for the
 210 student record component of the state-wide comprehensive educational information system
 211 pursuant to subsection (b) of Code Section 20-2-320."

212 SECTION 2-7.

213 Said chapter is further amended by revising Code Section 20-2-701, relating to responsibility
 214 for reporting truants to juvenile or other courts, as follows:

215 "20-2-701.

216 (a) Local school superintendents as applied to private schools, the Department of
 217 Education as applied to home study programs, or visiting teachers and attendance officers
 218 as applied to public schools, after written notice to the parent or guardian of a child, shall
 219 report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any
 220 child who is absent from a public or private school or a home study program in violation
 221 of this subpart. If the judge of the court places such child in a home or in a public or
 222 private institution pursuant to Chapter 11 of Title 15, school shall be provided for such
 223 child. The Department of Education shall coordinate with local school superintendents
 224 with respect to attendance records and notification for students in home study programs.

225 ~~(b) Local school superintendents or visiting teachers and attendance officers shall use their~~
 226 ~~best efforts to notify any child 14 years of age or older who has only three absences~~
 227 ~~remaining prior to violating the attendance requirements contained in subsection (a.1) of~~
 228 ~~Code Section 40-5-22. Such notification shall be made via first-class mail.~~

229 ~~(c) Local school superintendents or visiting teachers and attendance officers shall report~~
 230 ~~to the State Board of Education, which shall, in turn, report to the Department of Driver~~
 231 ~~Services any child 14 years of age or older who does not meet the attendance requirements~~
 232 ~~contained in subsection (a.1) of Code Section 40-5-22. Such report shall include the child's~~
 233 ~~name, current address, and social security number, if known.~~

234 ~~(d) Subsections (b) and (c) of this Code section shall not be effective until full~~
 235 ~~implementation of the state-wide education information system."~~

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SECTION 2-8.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising subsection (a.1) of Code Section 40-5-22, relating to persons not to be licensed, minimum age for licensees, school attendance requirements, and driving training requirements, as follows:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in a postsecondary school, is pursuing a general educational development (GED) diploma, or the records of the department indicate that said applicant:

(A) Is enrolled in and not under expulsion from a public or private school ~~and has satisfied relevant attendance requirements as set forth in paragraph (2) of this subsection for a period of one academic year prior to application for an instruction permit or driver's license;~~ or

(B) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program.

The department shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application.

~~(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school or who is pursuing a general educational development (GED) diploma that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the department receives notice that indicates that such minor:~~

~~(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;~~

~~(B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or~~

~~(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:~~

- 272 ~~(i) Threatening, striking, or causing bodily harm to a teacher or other school~~
273 ~~personnel;~~
274 ~~(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored~~
275 ~~event;~~
276 ~~(iii) Possession or use of a firearm in violation of Code Section 16-11-127.1 or~~
277 ~~possession or use of a dangerous weapon as defined in Code Section 16-11-121 but~~
278 ~~shall not include any part of an exhibit brought to school in connection with a school~~
279 ~~project;~~
280 ~~(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or~~
281 ~~(v) Causing substantial physical or visible bodily harm to or seriously disfiguring~~
282 ~~another person, including another student.~~

283 ~~Notice given by certified mail or statutory overnight delivery with return receipt~~
284 ~~requested mailed to the person's last known address shall be prima-facie evidence that~~
285 ~~such person received the required notice. Such notice shall include instructions to the~~
286 ~~minor to return immediately the instruction permit or driver's license to the department~~
287 ~~and information summarizing the minor's right to request an exemption from the~~
288 ~~provisions of this subsection. The minor so notified may request in writing a hearing~~
289 ~~within ten business days from the date of receipt of notice. Within 30 days after~~
290 ~~receiving a written request for a hearing, the department shall hold a hearing as provided~~
291 ~~for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such~~
292 ~~hearing, the department shall sustain its order of suspension or rescind such order. The~~
293 ~~department shall be authorized to grant an exemption from the provisions of this~~
294 ~~subsection to a minor, upon such minor's petition, if there is clear and convincing~~
295 ~~evidence that the enforcement of the provisions of this subsection upon such minor would~~
296 ~~create an undue hardship upon the minor or the minor's family or if there is clear and~~
297 ~~convincing evidence that the enforcement of the provisions of this subsection would act~~
298 ~~as a detriment to the health or welfare of the minor. Appeal from such hearing shall be~~
299 ~~in accordance with said chapter. If no hearing is requested within the ten business days~~
300 ~~specified above, the right to a hearing shall have been waived and the instruction permit~~
301 ~~or driver's license of the minor shall remain suspended. The suspension provided for in~~
302 ~~this paragraph shall be for a period of one year or shall end upon the date of such minor's~~
303 ~~eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of~~
304 ~~this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has~~
305 ~~received a general educational development (GED) diploma, a high school diploma, a~~
306 ~~special diploma, a certificate of high school completion, or has terminated his or her~~
307 ~~secondary education and is enrolled in a postsecondary school, whichever comes first.~~

308 ~~(3)~~(2) The State Board of Education and the commissioner of driver services are
 309 authorized to promulgate rules and regulations to implement the provisions of this
 310 subsection.

311 ~~(4)~~(3) The Technical College System of Georgia shall be responsible for compliance and
 312 noncompliance data for students pursuing a general educational development (GED)
 313 diploma."

314 **SECTION 2-9.**

315 Said chapter is further amended by revising subsection (a) of Code Section 40-5-26, relating
 316 to applications of minors and distinctive licenses for persons under 21, as follows:

317 (a)~~(1)~~ The application of any person under the age of 18 years for an instruction permit or
 318 driver's license shall be:

319 ~~(A)~~(1) Signed and verified by the father, mother, or guardian of the applicant before a
 320 person authorized to administer oaths or, in the event there is no parent or guardian, by
 321 another responsible adult; or

322 ~~(B)~~(2) Signed and verified by a licensed driver training instructor before a person
 323 authorized to administer oaths when such instructor is acting as an agent for such
 324 purposes on behalf of the father, mother, or guardian of the applicant and such agency is
 325 evidenced by permission of such parent or guardian which has been granted in writing
 326 and signed and verified by such parent or guardian before a person authorized to
 327 administer oaths and on such form as shall be prescribed by rule or regulation of the
 328 department.

329 ~~(2)(A) A person who signed and verified a minor's successful application for an~~
 330 ~~instruction permit or driver's license may subsequently during such minority request~~
 331 ~~revocation of the minor's instruction permit or driver's license by written notice to the~~
 332 ~~department on such form as specified thereby, signed and verified before a person~~
 333 ~~authorized to administer oaths. If the request for revocation is submitted by a licensed~~
 334 ~~driver training instructor acting as an agent on behalf of the father, mother, or guardian~~
 335 ~~of the applicant, such agency must be evidenced by permission for the revocation of~~
 336 ~~such parent or guardian which has been granted in writing and signed and verified by~~
 337 ~~such parent or guardian before a person authorized to administer oaths. Upon receipt~~
 338 ~~of such request and payment of a fee in an amount equivalent to that which was~~
 339 ~~required for issuance of the instruction permit or driver's license, and after a mandatory~~
 340 ~~three business day waiting period, during which the request for revocation may be~~
 341 ~~withdrawn but the fee shall not be returned, the department shall revoke the minor's~~
 342 ~~instruction permit or driver's license.~~

343 ~~(B) A minor whose instruction permit or driver's license has been revoked under this~~
 344 ~~paragraph shall not be eligible for issuance of another instruction permit or driver's~~
 345 ~~license until he or she reaches 18 years of age, unless consent for issuance of an~~
 346 ~~instruction permit or driver's license has been granted as provided by subparagraphs (A)~~
 347 ~~and (B) of paragraph (1) of this subsection upon application of the minor made not~~
 348 ~~sooner than three months after the effective date of revocation.~~

349 ~~(C) The provisions of Code Section 40-5-62 shall not apply to a person whose~~
 350 ~~instruction permit or driver's license has been revoked under this paragraph.~~

351 ~~(D) A revocation of a minor's instruction permit or driver's license under this paragraph~~
 352 ~~shall not be deemed a revocation for purposes of any increase in insurance rates or~~
 353 ~~cancellation of any policy of motor vehicle insurance for which the minor is not the sole~~
 354 ~~named insured, but such a policy may be amended so as to remove such minor from the~~
 355 ~~list of named insureds under such policy."~~

356 **SECTION 2-10.**

357 Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating
 358 to mandatory suspension of license and notice of suspension, as follows:

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

- 363 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- 364 (2) Any felony in the commission of which a motor vehicle is used;
- 365 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- 366 (4) Racing on highways and streets;
- 367 (5) Using a motor vehicle in fleeing or attempting to elude an officer; or
- 368 ~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section~~
 369 ~~40-5-120 or 40-5-125;~~
- 370 ~~(7)~~(6) Operating a motor vehicle with a revoked, canceled, or suspended registration in
 371 violation of Code Section 40-6-15; ~~or~~
- 372 ~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to~~
 373 ~~an identification document as defined in Code Section 16-9-4."~~

374 **SECTION 2-11.**

375 Said chapter is further amended by revising subsection (a) of Code Section 40-5-57.1,
 376 relating to suspension of licenses of persons under age 21 for certain offenses, suspension

377 of licenses of persons under age 18 for certain point accumulations, and reinstatement of
 378 license following suspension, as follows:

379 "(a) Notwithstanding any other provision of this chapter, the driver's license of any person
 380 under 21 years of age convicted of hit and run or leaving the scene of an accident in
 381 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle
 382 in fleeing or attempting to elude an officer, reckless driving, any offense for which four or
 383 more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an~~
 384 ~~alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,~~
 385 ~~or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation
 386 of Code Section 40-6-391 shall be suspended by the department as provided by this Code
 387 section; and the driver's license of any person under 18 years of age who has accumulated
 388 a violation point count of four or more points under Code Section 40-5-57 in any
 389 consecutive 12 month period shall be suspended by the department as provided by this
 390 Code section. A plea of nolo contendere shall be considered a conviction for purposes of
 391 this subsection. Notice of suspension shall be given by certified mail or statutory overnight
 392 delivery, return receipt requested; or, in lieu thereof, notice may be given by personal
 393 service upon such person. Such license shall be surrendered within ten days of notification
 394 of such suspension. Notice given by certified mail or statutory overnight delivery, return
 395 receipt requested, mailed to the person's last known address shall be prima-facie evidence
 396 that such person received the required notice."

397 **SECTION 2-12.**

398 Said chapter is further amended by repealing in its entirety Code Section 40-5-57.2, relating
 399 to suspension based on violation of Code Section 40-6-255, and designating said Code
 400 section as reserved.

401 **SECTION 2-13.**

402 Said chapter is further amended by repealing in their entirety subsections (e) and (f) of Code
 403 Section 40-5-63, relating to periods of suspension and conditions of return of license.

404 **SECTION 2-14.**

405 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
 406 40-5-64, relating to limited driving permits for certain offenders, as follows:

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

408 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 409 other Code section of this chapter, any person who has not been previously convicted or
 410 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as

411 measured from the dates of previous arrests for which convictions were obtained or pleas
 412 of nolo contendere were accepted to the date of the current arrest for which a conviction
 413 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 414 permit when and only when that person's driver's license has been suspended in
 415 accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ subsection
 416 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
 417 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
 418 Section 40-5-57.1, when the person is 18 years of age or older and his or her license was
 419 suspended for exceeding the speed limit by 24 miles per hour or more but less than 34
 420 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable
 421 to issue a limited driving permit."

422 **SECTION 2-15.**

423 Said chapter is further amended by revising Code Section 40-5-75, relating to suspension of
 424 licenses by operation of law, as follows:

425 "40-5-75.

426 (a) The driver's license of any person convicted of driving or being in actual physical
 427 control of any moving vehicle while under the influence of ~~Except as provided in Code~~
 428 ~~Section 40-5-76, the driver's license of any person convicted of any violation of Article 2~~
 429 ~~of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not~~
 430 ~~limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking~~
 431 ~~in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or~~
 432 ~~traffic in a controlled substance or marijuana; in violation of paragraph (2), (4), or (6) of~~
 433 subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by
 434 operation of law be suspended, and such suspension shall be subject to the following terms
 435 and conditions:

436 (1) Upon the first conviction of any such offense, with no arrest and conviction of and
 437 no plea of nolo contendere accepted to such offense within the previous five years, as
 438 measured from the dates of previous arrests for which convictions were obtained to the
 439 date of the current arrest for which a conviction is obtained, the period of suspension shall
 440 be for not less than 180 days. At the end of 180 days, the person may apply to the
 441 department for reinstatement of his or her driver's license. Such license shall be
 442 reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use
 443 Risk Reduction Program and pays to the department a restoration fee of \$210.00 or
 444 \$200.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph,~~
 445 ~~a plea of nolo contendere by a person to a charge of any drug related offense listed in this~~

446 ~~subsection shall, except as provided in subsection (c) of this Code section, constitute a~~
447 ~~conviction;~~

448 (2) Upon the second conviction of any such offense within five years, as measured from
449 the dates of previous arrests for which convictions were obtained to the date of the
450 current arrest for which a conviction is obtained, the period of suspension shall be for
451 three years, provided that after one year from the date of the conviction, the person may
452 apply to the department for reinstatement of his or her driver's license by submitting proof
453 of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the
454 department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed
455 by mail. ~~For purposes of this paragraph, a plea of nolo contendere and all previous pleas~~
456 ~~of nolo contendere within such five-year period of time shall constitute a conviction; and~~

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

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

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

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

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

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

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

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

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

484 Any permittee who is convicted of violating any state law or local ordinance relating to
 485 the movement of vehicles or any permittee who is convicted of violating the conditions
 486 endorsed on his or her permit shall have his or her permit revoked by the department.
 487 Any court in which such conviction is had shall require the permittee to surrender the
 488 permit to the court, and the court shall forward it to the department within ten days after
 489 the conviction, with a copy of the conviction. Any person whose limited driving permit
 490 has been revoked shall not be eligible to apply for a driver's license until six months from
 491 the date such permit was surrendered to the department. At the end of five years from the
 492 date on which the license was suspended, the person may apply to the department for
 493 reinstatement of his or her driver's license by submitting proof of completion of a DUI
 494 Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration
 495 fee of \$410.00 or \$400.00 when such reinstatement is processed by mail. For purposes
 496 of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere
 497 within such five-year period of time shall constitute a conviction.

498 ~~(a.1) Any permittee who is convicted of violating any state law or local ordinance relating~~
 499 ~~to the movement of vehicles or any permittee who is convicted of violating the conditions~~
 500 ~~endorsed on his or her permit shall have his or her permit revoked by the department. Any~~
 501 ~~court in which such conviction is had shall require the permittee to surrender the permit to~~
 502 ~~the court, and the court shall forward it to the department within ten days after the~~
 503 ~~conviction, with a copy of the conviction. Any person whose limited driving permit has~~
 504 ~~been revoked shall not be eligible to apply for a driver's license until six months from the~~
 505 ~~date such permit was surrendered to the department.~~

506 (b) Except as provided in Code Section 40-5-76, whenever a person is convicted of
 507 ~~possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or~~
 508 ~~conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled~~
 509 ~~substance or marijuana, or driving or being in actual physical control of any moving~~
 510 ~~vehicle while under the influence of such substance~~ a controlled substance or marijuana in
 511 violation of ~~subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code~~
 512 ~~Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of~~
 513 ~~Code Section 40-6-391; or the law of any other jurisdiction, the court in which such~~
 514 ~~conviction is had shall require the surrender to it of any driver's license then held by the~~
 515 ~~person so convicted, and the court shall thereupon forward such license and a copy of its~~
 516 ~~order to the department within ten days after the conviction. The periods of suspension~~
 517 ~~provided for in this Code section shall begin on the date of surrender of the driver's license~~

518 or on the date that the department processes the conviction or citation, whichever shall first
519 occur.

520 ~~(c)(1) The decision to accept a plea of nolo contendere to a misdemeanor charge of~~
521 ~~unlawful possession of less than one ounce of marijuana shall be at the sole discretion of~~
522 ~~the judge. If a plea of nolo contendere is accepted as provided in this subsection, the~~
523 ~~judge shall, as a part of the disposition of the case, order the defendant to attend and~~
524 ~~complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate~~
525 ~~that the defendant shall complete such program within 120 days and that the defendant~~
526 ~~shall submit evidence of such completion to the department. The judge shall also notify~~
527 ~~the defendant that, if he or she fails to complete such program by the date specified in the~~
528 ~~court's order, his or her driver's license shall be suspended, by operation of law, as~~
529 ~~provided in this Code section. The record of the disposition of the case shall be~~
530 ~~forwarded to the department.~~

531 ~~(2) If a plea of nolo contendere is accepted and the defendant's driver's license has not~~
532 ~~been suspended under any other provision of this title and if the defendant has not been~~
533 ~~convicted of or has not had a plea of nolo contendere accepted to a charge of violating~~
534 ~~this Code section within the previous five years, the court shall, subject to paragraph (1)~~
535 ~~of this subsection, return the driver's license to the person; otherwise, such driver's license~~
536 ~~shall be forwarded to the department.~~

537 ~~(d)~~(c) Application for reinstatement of a driver's license under paragraph (1) or (2) of
538 subsection (a) of this Code section shall be made on such forms as the commissioner may
539 prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use
540 Risk Reduction Program and a restoration fee of \$210.00 or \$200.00 when such
541 reinstatement is processed by mail. Application for a three-year driving permit under
542 paragraph (3) of subsection (a) of this Code section shall be made on such form as the
543 commissioner may prescribe and shall be accompanied by proof of completion of an
544 approved residential drug treatment program and a fee of \$25.00 for such permit.

545 ~~(e)~~(d) Notwithstanding any other provision of this Code section or any other provision of
546 this chapter, any person whose license is suspended pursuant to this Code section shall not
547 be eligible for early reinstatement of his or her license and shall not be eligible for a limited
548 driving permit, but such person's license shall be reinstated only as provided in this Code
549 section or Code Section 40-5-76.

550 ~~(f)~~(e) Except as provided in subsection (a) of this Code section, it shall be unlawful for any
551 person to operate any motor vehicle in this state after such person's license has been
552 suspended pursuant to this Code section if such person has not thereafter obtained a valid
553 license. Any person who is convicted of operating a motor vehicle before the department
554 has reinstated such person's license or issued such person a three-year driving permit shall

555 be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by imprisonment
556 in the penitentiary for not more than 12 months, or both.

557 ~~(g) Notwithstanding the provisions of Code Section 15-11-606 and except as provided in~~
558 ~~subsection (c) of this Code section, an adjudication of a minor child as a delinquent child~~
559 ~~for any offense listed in subsection (a) of this Code section shall be deemed a conviction~~
560 ~~for purposes of this Code section.~~

561 ~~(h)(f) Licensed~~ Notwithstanding the provisions of subsection (a) of this Code section,
562 licensed drivers who are 16 years of age who are adjudicated in a juvenile court pursuant
563 to this Code section may, at their option, complete a DUI Alcohol or Drug Use Risk
564 Reduction Program or an assessment and intervention program approved by the juvenile
565 court.

566 ~~(i)(g)~~ Notwithstanding any other provision of this chapter to the contrary, the suspension
567 imposed pursuant to this Code section shall be in addition to and run consecutively to any
568 other suspension imposed by the department at the time of the conviction that results in
569 said suspension. If the person has never been issued a driver's license in the State of
570 Georgia or holds a driver's license issued by another state, the person shall not be eligible
571 for a driver's license for the applicable period of suspension following his or her
572 submission of an application for issuance thereof."

573 **SECTION 2-16.**

574 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section
575 40-5-121, relating to driving while license suspended or revoked, as follows:

576 "(b)(1) The department, upon receiving a record of the conviction of any person under
577 this Code section upon a charge of driving a vehicle while the license of such person was
578 suspended, disqualified, or revoked, including suspensions under subsection ~~(f)~~ (e) of
579 Code Section 40-5-75, shall extend the period of suspension or disqualification by six
580 months. Upon the expiration of six months from the date on which the suspension or
581 disqualification is extended and payment of the applicable reinstatement fee, the
582 department shall reinstate the license. The reinstatement fee for a first such conviction
583 within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement
584 fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00
585 if paid by mail. The reinstatement fee for a third or subsequent such conviction within
586 a five-year period shall be \$410.00 or \$400.00 if paid by mail."

587

PART III

588

SECTION 3-1.

589 This Act shall become effective on July 1, 2015, and shall apply to offenses which occur on
590 or after that date.

591

SECTION 3-2.

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