

House Bill 114 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Tanner of the 9<sup>th</sup>, Powell of the 32<sup>nd</sup>, Lumsden of the 12<sup>th</sup>, and Hitchens of the 161<sup>st</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 the use of paper eye charts for the testing of  
3 noncommercial driver's vision; to provide for notice of certain information from the  
4 department to be sent by first-class mail; to provide for the issuance of limited driving  
5 permits to noncommercial drivers in certain instances; to provide for a waiver of the  
6 application fee for instruction permits in certain instances; to allow photographs on drivers'  
7 licenses and identification cards to be in black and white; to provide for the conditions under  
8 which limited driving permits shall be issued; to clarify requirements for notices of  
9 suspension of drivers' licenses; to provide for related matters; to provide for effective dates;  
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
14 is amended in Code Section 40-5-21, relating to persons exempt from driver's license  
15 requirements, by revising paragraph (11) of subsection (a) as follows:

16 "(11) Any resident who is 15 years of age or over while taking actual in-car training in  
17 a training vehicle other than a commercial motor vehicle under the direct personal  
18 supervision of a driving instructor when such driving instructor and training vehicle are  
19 licensed by the department in accordance with the provisions of Chapter 13 of Title 43,  
20 'The Driver Training School License Act.' As used in the previous sentence, the term  
21 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142.  
22 All vehicles utilized for the in-car training authorized under this paragraph shall be  
23 equipped with dual controlled brakes and shall be marked with signs in accordance with  
24 the rules of the department clearly identifying such vehicles as training cars belonging  
25 to a licensed driving school. A driving instructor shall test the eyesight of any unlicensed  
26 person who will be receiving actual in-car training prior to commencement of such

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27 training, and no unlicensed driver shall receive in-car training unless such person has at  
 28 least the visual acuity and horizontal field of vision as is required for issuance of a  
 29 driver's license in subsection (c) of Code Section 40-5-27; and"

30

### SECTION 2.

31 Said chapter is further amended in Code Section 40-5-22, relating to school attendance  
 32 requirements for the issuance, renewal, and expiration of instruction permits and drivers'  
 33 licenses, by revising subsection (c) and adding a new subsection to read as follows:

34 "(c) Notwithstanding the provisions of subsection (d) of this Code section, the ~~The~~  
 35 department shall not issue any driver's license to nor renew the driver's license of any  
 36 person:

37 (1) Whose license has been suspended during such suspension, or whose license has  
 38 been revoked, except as otherwise provided in this chapter;

39 (2) Whose license is currently under suspension or revocation in any other jurisdiction  
 40 upon grounds which would authorize the suspension or revocation of a license under this  
 41 chapter;

42 (3) Who is a habitual user of alcohol or any drug to a degree rendering him or her  
 43 incapable of safely driving a motor vehicle;

44 (4) Who has previously been adjudged to be afflicted with or suffering from any mental  
 45 disability or disease and who has not at the time of application been restored to  
 46 competency by the methods provided by law;

47 (5) Who is required by this chapter to take an examination, unless such person shall have  
 48 successfully passed such examination;

49 (6) Who the commissioner has good cause to believe would not, by reason of physical  
 50 or mental disability, be able to operate a motor vehicle with safety upon the highway; or

51 (7) Whose license issued by any other jurisdiction is suspended or revoked by such other  
 52 jurisdiction during the period such license is suspended or revoked by such other  
 53 jurisdiction.

54 (d) The department is authorized to issue a limited driving permit to an applicant whose  
 55 license is currently under suspension or revocation in any other jurisdiction upon grounds  
 56 which would authorize the suspension or revocation of a license under this chapter,  
 57 provided that the applicant is otherwise eligible for such limited driving permit in  
 58 accordance with paragraph (1) of subsection (a) of Code Section 40-5-64."

59

### SECTION 3.

60 Said chapter is further amended in Code Section 40-5-25, relating to application fees for  
 61 drivers' licenses, by revising subsection (b) as follows:



97 indicating the type or general class of vehicles the licensee may drive, which license shall  
 98 be upon a form prescribed by the department and which shall bear thereon a distinguishing  
 99 number assigned to the licensee, a color photograph of the licensee, the licensee's full legal  
 100 name, either a facsimile of the signature of the licensee or a space upon which the licensee  
 101 shall write his or her usual signature with a pen and ink immediately upon receipt of the  
 102 license, and such other information or identification as is required by the department. No  
 103 license shall be valid until it has been so signed by the licensee. The department shall not  
 104 require applicants to submit or otherwise obtain from applicants any fingerprints or any  
 105 other biological characteristic or information which uniquely identifies an individual,  
 106 including without limitation deoxyribonucleic acid (DNA) and retinal scan identification  
 107 characteristics but not including a photograph, by any means upon application."

108 **SECTION 6.**

109 Said chapter is further amended in Code Section 40-5-54.1, relating to denial or suspension  
 110 of a driver's license for noncompliance with a child support order, by revising subsection (b)  
 111 as follows:

112 "(b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,  
 113 the license of any driver upon receiving a record from the agency or a court of competent  
 114 jurisdiction stating that such driver is not in compliance with an order for child support.  
 115 The department shall send notice of any suspension imposed pursuant to this Code section.  
 116 Such notice shall be sent via ~~certified~~ first-class mail to the address reflected on its records  
 117 as the driver's mailing address. ~~The mailing of such notice by the department shall be~~  
 118 ~~deemed conclusively to be notice to such driver of the suspension of his or her driver's~~  
 119 ~~license and shall be deemed to satisfy all notice requirements of law, and no further notice~~  
 120 ~~to the driver shall be required for the suspensions provided for in this Code section."~~

121 **SECTION 7.**

122 Said chapter is further amended in Code Section 40-5-56, relating to suspension of driving  
 123 privileges for failure to respond to a citation, by revising subsection (a) as follows:

124 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,  
 125 the department shall suspend the driver's license or privilege to operate a motor vehicle in  
 126 this state of any person who has failed to respond to a citation to appear before a court of  
 127 competent jurisdiction in this state or in any other state for a traffic violation other than a  
 128 parking violation. The department shall include language in the uniform traffic citation  
 129 stating that failure to appear and respond to such citation shall result in the suspension of  
 130 the violator's driver's license or nonresident driving privilege. ~~The language reflected on~~  
 131 ~~a uniform traffic citation issued in this state shall be sufficient notice of said suspension to~~

132 ~~support a conviction for a violation of Code Section 40-5-121 if such person drives~~  
 133 ~~subsequent to the imposition of such a suspension following his or her failure to appear.~~  
 134 ~~Notwithstanding the foregoing, the department shall send notice of any suspension imposed~~  
 135 ~~pursuant to this Code section. Such notice shall be sent via certified mail to the address~~  
 136 ~~reflected on its records as the person's mailing address. Proof of receipt of said notice shall~~  
 137 ~~be admissible to support a conviction~~ If the driver fails to appear before the charging court  
 138 of competent jurisdiction as directed by the uniform traffic citation, the clerk of such court  
 139 shall send notice via certified mail, return receipt requested, advising such person of his or  
 140 her failure to appear at the specified date and time in the court in which the citation was to  
 141 be heard. Such notice shall include the date, time, and location of the court in which the  
 142 person failed to appear and shall notify the person of a date, no more than 30 days later, by  
 143 which such person shall appear before the court for the person's failure to appear. If the  
 144 person fails to appear before the court after such notice from the clerk of the court, a bench  
 145 warrant may be issued for such failure to appear. If a bench warrant has been issued and  
 146 the court concludes that such driver's license should be suspended, the court shall then  
 147 notify the department of the issuance of a bench warrant for failure to appear. The  
 148 department shall, upon being advised that a bench warrant has been issued for the person,  
 149 send notice of intent to suspend a license pursuant to this Code section via first-class mail  
 150 to the address reflected in the department's records as the person's mailing address,  
 151 informing the person that his or her driver's license will be suspended unless the pending  
 152 charges under the citation and the bench warrant issued for the person's arrest are resolved  
 153 within 30 days of the date of the notice and the department is notified by the charging court  
 154 of such resolution. Such notice of intent to suspend shall support a conviction for a  
 155 violation of Code Section 40-5-121. ~~for a violation of Code Section 40-5-121 if such~~  
 156 ~~person drives subsequent to the imposition of such a suspension following his or her failure~~  
 157 ~~to appear."~~

158 **SECTION 8.**

159 Said chapter is further amended by revising Code Section 40-5-57.1, relating to suspension  
 160 and reinstatement of drivers' licenses for persons under a certain age, as follows:

161 "(a) Notwithstanding any other provision of this chapter, the driver's license of any person  
 162 under 21 years of age convicted of hit and run or leaving the scene of an accident in  
 163 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle  
 164 in fleeing or attempting to elude an officer, reckless driving, any offense for which four or  
 165 more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an  
 166 alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,  
 167 or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation

168 of Code Section 40-6-391 shall be suspended by ~~the department~~ operation of law as  
 169 provided by this Code section; ~~and the~~. A plea of nolo contendere shall be considered a  
 170 conviction for the purposes of this subsection. The court in which such conviction is had  
 171 shall require the surrender to it of the driver's license then held by the person so convicted,  
 172 and the court shall thereupon forward such license and a copy of the disposition to the  
 173 department within ten days after the conviction. The department shall send notice of any  
 174 suspension imposed pursuant to this subsection via first-class mail to the address reflected  
 175 on its records as the person's mailing address.

176 (b) The driver's license of any person under 18 years of age who has accumulated a  
 177 violation point count of four or more points under Code Section 40-5-57 in any consecutive  
 178 12 month period shall be suspended by the department as provided by subsection (c) of this  
 179 Code section. A plea of nolo contendere shall be considered a conviction for purposes of  
 180 this subsection. Notice of suspension shall be given by certified first-class mail or statutory  
 181 overnight delivery, return receipt requested, to the address reflected in the department's  
 182 records as the driver's mailing address or, in lieu thereof, notice may be given by personal  
 183 service upon such person. Such license shall be surrendered within ten days of notification  
 184 of such suspension. Notice given by certified mail or statutory overnight delivery, return  
 185 receipt requested, mailed to the person's last known address shall be prima-facie evidence  
 186 that such person received the required notice.

187 ~~(b)~~(c) A person whose driver's license has been suspended under subsection (a) or (b) of  
 188 this Code section shall:

189 (1) Subject to the requirements of subsection ~~(e)~~(d) of this Code section and except as  
 190 otherwise provided by paragraph (2) of this subsection:

191 (A) Upon a first such suspension, be eligible to apply for license reinstatement and,  
 192 subject to payment of required fees, have his or her driver's license reinstated after six  
 193 months; and

194 (B) Upon a second or subsequent such suspension, be eligible to apply for license  
 195 reinstatement and, subject to payment of required fees, have his or her driver's license  
 196 reinstated after 12 months; or

197 (2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest  
 198 and conviction of and no plea of nolo contendere accepted to such offense within the  
 199 previous five years, as measured from the dates of previous arrests for which  
 200 convictions were obtained to the date of the current arrest for which a conviction is  
 201 obtained, have his or her license suspended for a period of six months unless the  
 202 driver's blood alcohol concentration at the time of the offense was 0.08 grams or more  
 203 or the person has previously been subject to a suspension pursuant to paragraph (1) of  
 204 this subsection, in which case the period of suspension shall be for 12 months.

205 (B) Upon the second conviction of a violation of Code Section 40-6-391 within five  
 206 years, as measured from the dates of previous arrests for which convictions were  
 207 obtained to the date of the current arrest for which a conviction is obtained, have his or  
 208 her license suspended for a period of 18 months.

209 (C) Upon the third conviction of any such offense within five years, as measured from  
 210 the dates of previous arrests for which convictions were obtained to the date of the  
 211 current arrest for which a conviction is obtained, be considered a habitual violator, and  
 212 such person's license shall be revoked as provided for in Code Section 40-5-58.

213 ~~(b.1)~~(c.1) In any case where a person's driver's license was administratively suspended as  
 214 a result of a violation of Code Section 40-6-391 for which the person's driver's license has  
 215 been suspended pursuant to subsection (c) of this Code section, the administrative license  
 216 suspension period and the license suspension period provided by this Code section may run  
 217 concurrently, and any completed portion of such administrative license suspension period  
 218 shall apply toward completion of the license suspension period provided by this Code  
 219 section.

220 ~~(e)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section  
 221 for commission of any offense other than violation of Code Section 40-6-391 shall not  
 222 become valid and shall remain suspended until such person submits proof of completion  
 223 of a defensive driving course approved by the commissioner pursuant to Code Section  
 224 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under  
 225 subsection (a) of this Code section for commission of a violation of Code Section  
 226 40-6-391 shall not become valid and shall remain suspended until such person submits  
 227 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the  
 228 applicable reinstatement fee.

229 (2) The reinstatement fee for a first such suspension shall be \$210.00 or \$200.00 if paid  
 230 by mail. The reinstatement fee for a second or subsequent such suspension shall be  
 231 \$310.00 or \$300.00 if paid by mail.

232 ~~(d)~~(e) A suspension provided for in subsection (a) of this Code section shall be imposed  
 233 based on the person's age on the date of the conviction giving rise to the suspension."

## 234 SECTION 9.

235 Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits  
 236 for certain offenders, by revising subsections (c) and (c.1) as follows:

237 "(c) **Standards for approval.** The department shall issue a limited driving permit if the  
 238 application indicates that refusal to issue such permit would cause extreme hardship to the  
 239 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the  
 240 purposes of this Code section, 'extreme hardship' means that the applicant cannot

241 reasonably obtain other transportation, and therefore the applicant would be prohibited  
242 from:

243 (1) Going to his or her place of employment or performing the normal duties of his or  
244 her occupation;

245 (2) Receiving scheduled medical care or obtaining prescription drugs;

246 (3) Attending a college or school at which he or she is regularly enrolled as a student;

247 (4) Attending regularly scheduled sessions or meetings of support organizations for  
248 persons who have addiction or abuse problems related to alcohol or other drugs, which  
249 organizations are recognized by the commissioner;

250 (5) Attending under court order any driver education or improvement school or alcohol  
251 or drug program or course approved by the court which entered the judgment of  
252 conviction resulting in suspension of his or her driver's license or by the commissioner;

253 (6) Attending court, reporting to a probation office or officer, or performing community  
254 service; or

255 (7) Transporting an immediate family member who does not hold a valid driver's license  
256 for work, medical care, or prescriptions or to school.

257 (c.1) **Exception to standards for approval.**

258 (1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code  
259 section shall not apply and shall not be considered for purposes of granting a limited  
260 driving permit or imposing conditions thereon under this Code section in the case of a  
261 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section  
262 40-5-22.

263 (2) An ignition interlock device limited driving permit shall be restricted to allow the  
264 holder thereof to drive solely for the following purposes:

265 (A) Going to his or her place of employment or performing the normal duties of his or  
266 her occupation;

267 (B) Attending a college or school at which he or she is regularly enrolled as a student;

268 (C) Attending regularly scheduled sessions or meetings of treatment support  
269 organizations for persons who have addiction or abuse problems related to alcohol or  
270 other drugs, which organizations are recognized by the commissioner; and

271 (D) Going for monthly monitoring visits with the permit holder's ignition interlock  
272 device service provider."

273 **SECTION 10.**

274 Said chapter is further amended in Code Section 40-5-100, relating to contents of personal  
275 identification cards, by revising subsection (a) as follows:

276 "(a) The department shall issue personal identification cards to all residents as defined in  
 277 Code Section 40-5-1 who make application to the department in accordance with rules and  
 278 regulations prescribed by the commissioner. Cards issued to applicants under 21 years of  
 279 age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code  
 280 Section 40-5-26. The identification card shall be similar in form but distinguishable in  
 281 color from motor vehicle drivers' licenses and may contain a recent ~~color~~ photograph of the  
 282 applicant and include the following information:

- 283 (1) Full legal name;
- 284 (2) Address of residence;
- 285 (3) Birth date;
- 286 (4) Date identification card was issued;
- 287 (5) Sex;
- 288 (6) Height;
- 289 (7) Weight;
- 290 (8) Eye color;
- 291 (9) Signature of person identified or facsimile thereof; and
- 292 (10) Such other information or identification as required by the department; provided,  
 293 however, that the department shall not require an applicant to submit or otherwise obtain  
 294 from an applicant any fingerprints or any other biological characteristic or information  
 295 which uniquely identifies an individual, including without limitation deoxyribonucleic  
 296 acid (DNA) and retinal scan identification characteristics but not including a photograph,  
 297 by any means upon application."

298 **SECTION 11.**

299 Said chapter is further amended in Code Section 40-5-150, relating to contents of commercial  
 300 drivers' licenses, by revising subsection (a) as follows:

301 "(a) The commercial driver's license shall be marked 'Commercial Driver's License' or  
 302 'CDL' and shall be, to the maximum extent practicable, tamperproof, and shall include, but  
 303 not be limited to, the following information:

- 304 (1) The full legal name and residential address of the person;
- 305 (2) The person's ~~color~~ photograph;
- 306 (3) A physical description of the person, including sex, height, weight, and eye color;
- 307 (4) Full date of birth;
- 308 (5) The license number or identifier assigned by the department;
- 309 (6) The person's signature;
- 310 (7) The class or type of commercial motor vehicle or vehicles which the person is  
 311 authorized to drive, together with any endorsements or restrictions;

- 312 (8) The name of this state; and  
 313 (9) The dates between which the license is valid."

314 **SECTION 12.**

315 Said chapter is further amended in Code Section 40-5-171, relating to contents of personal  
 316 identification cards for persons with disabilities, by revising subsection (a) as follows:

317 "(a) The department shall issue personal identification cards to persons with disabilities  
 318 who make application to the department in accordance with rules and regulations  
 319 prescribed by the commissioner. The identification card for persons with disabilities shall  
 320 contain a recent color photograph of the applicant and the following information:

- 321 (1) Full legal name;  
 322 (2) Address of residence;  
 323 (3) Birth date;  
 324 (4) Date identification card was issued;  
 325 (5) Date identification card expires;  
 326 (6) Sex;  
 327 (7) Height;  
 328 (8) Weight;  
 329 (9) Eye color;  
 330 (10) Signature of person identified or facsimile thereof; and  
 331 (11) Such other information as required by the department; provided, however, that the  
 332 department shall not require an applicant to submit or otherwise obtain from an applicant  
 333 any fingerprints or any other biological characteristic or information which uniquely  
 334 identifies an individual, including without limitation deoxyribonucleic acid (DNA) and  
 335 retinal scan identification characteristics but not including a photograph, by any means  
 336 upon application."

337 **SECTION 13.**

338 Said chapter is further amended in Code Section 40-5-121, relating to driving while license  
 339 is suspended or revoked, by adding a new subsection to read as follows:

340 "(e) When a license or nonresident driving privilege has been suspended pursuant to Code  
 341 Section 40-5-56, proof that a driver acknowledged service and receipt of a copy of a  
 342 uniform traffic citation at the time it was issued shall be deemed conclusively to be legal  
 343 notice to such driver of the suspension of his or her driver's license or nonresident driving  
 344 privilege on the twenty-ninth calendar day following notice to the department from the  
 345 court of his or her failure to appear and shall be deemed to satisfy all notice requirements  
 346 of law. Such proof shall be sufficient to support a conviction for a violation of this Code

347 section if such person drives subsequent to the imposition of a suspension under Code  
348 Section 40-5-56 and before complying with the reinstatement provisions in subsection (b)  
349 of Code Section 40-5-56."

350

**SECTION 14.**

351 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for  
352 issuance of ignition interlock device limited driving permits, is amended by revising  
353 paragraph (1) of subsection (a) as follows:

354 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition  
355 interlock device limited driving permit or probationary license pursuant to Code Section  
356 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph  
357 ~~(b)~~(c)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section  
358 40-5-63, the Department of Driver Services shall not issue an ignition interlock device  
359 limited driving permit until after the expiration of 120 days from the date of the  
360 conviction for which such certificate was granted."

361

**SECTION 15.**

362 This Act shall become effective on July 1, 2015, except for Sections 7 and 13 which shall  
363 become effective on July 1, 2016.

364

**SECTION 16.**

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