

The House Committee on Motor Vehicles 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 provide for the issuance of an ignition interlock device  
12 limited driving permit; to revise penalties for pleas of nolo contendere regarding driver's  
13 license suspensions; to provide for related matters; to provide for an effective date and  
14 applicability; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **PART I**  
17 **SECTION 1-1.**

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

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

**SECTION 1-2.**

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as follows:

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

**SECTION 1-3.**

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

"40-2-1.

As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SECTION 1-4.

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

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

(2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed with the commissioner ~~or the Federal Motor Carrier Safety Administration or any successor agency~~ a certificate of insurance for such applicant or holder, on forms prescribed by the commissioner, evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state. Such policy shall provide for the

protection of passengers in passenger vehicles and the protection of the public against the negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is determined to be the proximate cause of any injury. The commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. Failure to file any form required by the commissioner shall not diminish the rights of any person to pursue an action directly against a for-hire intrastate motor carrier's insurer. The insurer may file its certificate of insurance electronically with the commissioner.

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

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

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

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

## PART II

### SECTION 2-1.

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

~~"(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this subsection, the driver's license of any person convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23~~

129 ~~upon the first conviction shall be suspended for six months and upon the second or~~  
130 ~~subsequent conviction shall be suspended for one year."~~

131 **SECTION 2-2.**

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

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

138 **SECTION 2-3.**

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

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

151 **SECTION 2-4.**

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

155 "(5) Within 30 days after the beginning of each school year, it shall be the duty of the  
156 administrator of each private school to provide to the school superintendent of each local  
157 public school district which has residents enrolled in the private school a list of the name,  
158 age, and residence of each resident so enrolled. At the end of each school month, it shall  
159 be the duty of the administrator of each private school to notify the school superintendent  
160 of each local public school district of the name, age, and residence of each student  
161 residing in the public school district who enrolls or terminates enrollment at the private  
162 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 the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22; and"

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

#### **SECTION 2-5.**

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

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

#### **SECTION 2-6.**

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

"(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing, to the visiting teacher or attendance officer of the local school system the names, ages, and residences of

all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320."

#### **SECTION 2-7.**

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

"20-2-701.

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

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

~~(c) Local school superintendents or visiting teachers and attendance officers shall report to the State Board of Education, which shall, in turn, report to the Department of Driver Services any child 14 years of age or older who does not meet the attendance requirements~~

~~contained in subsection (a.1) of Code Section 40-5-22. Such report shall include the child's name, current address, and social security number, if known.~~  
~~(d) Subsections (b) and (c) of this Code section shall not be effective until full implementation of the state-wide education information system."~~

## 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:~~

~~(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;~~

~~(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored event;~~

~~(iii) Possession or use of a firearm in violation of Code Section 16-11-127.1 or possession or use of a dangerous weapon as defined in Code Section 16-11-121 but shall not include any part of an exhibit brought to school in connection with a school project;~~

~~(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or~~

~~(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.~~

~~Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has~~

received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first.

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

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

#### SECTION 2-9.

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

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

(1) Homicide by vehicle, as defined by Code Section 40-6-393;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;

(4) Racing on highways and streets;

(5) Using a motor vehicle in fleeing or attempting to elude an officer; or

~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section 40-5-120 or 40-5-125;~~

~~(7)~~(6) Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of Code Section 40-6-15; ~~or~~

~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to an identification document as defined in Code Section 16-9-4."~~

#### SECTION 2-10.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, suspension of licenses of persons under age 18 for certain point accumulations, and reinstatement of license following suspension, as follows:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle

in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation of Code Section 40-6-391 shall be suspended by the department as provided by this Code section; and the driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. Such license shall be surrendered within ten days of notification of such suspension. Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice."

#### **SECTION 2-11.**

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

#### **SECTION 2-12.**

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

#### **SECTION 2-13.**

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

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

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in

accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit."

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

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

~~(2)~~ An ignition interlock device limited driving permit shall ~~be restricted to~~ allow the holder thereof to drive solely a motor vehicle equipped with an ignition interlock device meeting the requirements of Article 7 of Chapter 8 of Title 42. ~~for the following purposes:~~

~~(A) Going to his or her place of employment;~~

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

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

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

**SECTION 2-14.**

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

"40-5-75.

(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of ~~Except as provided in Code Section 40-5-76, the driver's license of any person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana; in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391~~ or the law of any other jurisdiction, shall by

operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

commissioner may prescribe and shall be accompanied by proof of completion of an approved residential drug treatment program and a fee of \$25.00 for such permit.

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

~~(f)~~(e) Except as provided in subsection (a) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person's license has been suspended pursuant to this Code section if such person has not thereafter obtained a valid license. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or issued such person a three-year driving permit shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

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

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

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

## SECTION 2-15.

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

"(b)(1) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection ~~(f)~~ (e) of



556 Code Section 40-5-75, shall extend the period of suspension or disqualification by six  
557 months. Upon the expiration of six months from the date on which the suspension or  
558 disqualification is extended and payment of the applicable reinstatement fee, the  
559 department shall reinstate the license. The reinstatement fee for a first such conviction  
560 within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement  
561 fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00  
562 if paid by mail. The reinstatement fee for a third or subsequent such conviction within  
563 a five-year period shall be \$410.00 or \$400.00 if paid by mail."

564 **PART III**  
565 **SECTION 3-1.**

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

568 **SECTION 3-2.**  
569 All laws and parts of laws in conflict with this Act are repealed.