

The Senate Committee on Public Safety offers the following substitute to HB 114:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated,  
2 relating to the Child Support Recovery Act, so as to revise notice provisions; to amend  
3 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
4 so as to provide for the use of paper eye charts for the testing of noncommercial driver's  
5 vision; to provide for notice of certain information from the department to be sent by  
6 first-class mail; to provide for the issuance of limited driving permits to noncommercial  
7 drivers in certain instances; to provide for a waiver of the application fee for instruction  
8 permits in certain instances; to prohibit the offering of items of monetary value for the  
9 enrollment of students by any driver improvement clinic or DUI Alcohol or Drug Use Risk  
10 Reduction Program licensed by the department; to allow photographs on drivers' licenses and  
11 identification cards to be in black and white; to provide for the conditions under which  
12 limited driving permits shall be issued; to clarify requirements for notices of suspension of  
13 drivers' licenses; to provide for related matters; to repeal conflicting laws; and for other  
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

16 Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the  
17 Child Support Recovery Act, is amended in Code Section 19-11-9.3, relating to suspension  
18 or denial of license for noncompliance with child support order, interagency agreements, and  
19 report to General Assembly, by revising subsection (g) as follows:  
20

21 "(g) If no response is received from the delinquent obligor by the department within 30  
22 days from the date of mailing of the notice and the delinquent obligor is still shown as  
23 delinquent on the next month's list prepared pursuant to subsection (b) of this Code section,  
24 the department shall request one or more licensing entities to deny or suspend a license of  
25 the delinquent obligor. Each licensing entity shall notify the delinquent obligor by certified  
26 mail or statutory overnight delivery of the date that the license has been denied or

27 suspended; provided, however, that the Department of Driver Services shall notify such  
 28 delinquent obligor as provided for in Article 3 of Chapter 5 of Title 40."

## 29 SECTION 2.

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

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

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

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

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

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

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

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

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

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

## 58 SECTION 3.

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



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

107 **SECTION 6.**

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

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

120 **SECTION 7.**

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

123 "(a)(1) Notwithstanding any other provisions of this chapter or any other law to the  
 124 contrary, the department shall suspend the driver's license or privilege to operate a motor  
 125 vehicle in this state of any person who has failed to respond to a citation to appear before  
 126 a court of competent jurisdiction in this state or in any other state for a traffic violation  
 127 other than a parking violation. The department shall include language in the uniform  
 128 traffic citation stating that failure to appear and respond to such citation shall result in the  
 129 suspension of the violator's driver's license or nonresident driving privilege. The  
 130 language reflected on a uniform traffic citation issued in this state shall be sufficient

131 notice of said suspension to support a conviction for a violation of Code Section 40-5-121  
 132 if such person drives subsequent to the imposition of such a suspension following his or  
 133 her failure to appear. Notwithstanding the foregoing, the department shall send notice of  
 134 any suspension imposed pursuant to paragraph (2) of this Code section. Such notice shall  
 135 be sent via certified mail to the address reflected on its records as the person's mailing  
 136 address. Proof of receipt mailing of said notice shall be admissible to support a  
 137 conviction for a violation of Code Section 40-5-121 if such person drives subsequent to  
 138 the imposition of such a suspension following his or her failure to appear.

139 (2) The department shall notify a violator provided for under paragraph (1) of this  
 140 subsection of the department's intent to suspend his or her driver's license or nonresident  
 141 driver's privilege. Such notice shall be sent via first-class mail to the address reflected  
 142 on the department's records as the person's mailing address."

#### 143 SECTION 8.

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

146 "(a) Notwithstanding any other provision of this chapter, the driver's license of any person  
 147 under 21 years of age convicted of hit and run or leaving the scene of an accident in  
 148 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle  
 149 in fleeing or attempting to elude an officer, reckless driving, any offense for which four or  
 150 more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an  
 151 alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,  
 152 or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation  
 153 of Code Section 40-6-391 shall be suspended by the department operation of law as  
 154 provided by this Code section; ~~and the.~~ A plea of nolo contendere shall be considered a  
 155 conviction for the purposes of this subsection. The court in which such conviction is had  
 156 shall require the surrender to it of the driver's license then held by the person so convicted,  
 157 and the court shall thereupon forward such license and a copy of the disposition to the  
 158 department within ten days after the conviction. The department shall send notice of any  
 159 suspension imposed pursuant to this subsection via first-class mail to the address reflected  
 160 on its records as the person's mailing address.

161 (b) The driver's license of any person under 18 years of age who has accumulated a  
 162 violation point count of four or more points under Code Section 40-5-57 in any consecutive  
 163 12 month period shall be suspended by the department as provided by subsection (c) of this  
 164 Code section. A plea of nolo contendere shall be considered a conviction for purposes of  
 165 this subsection. Notice of suspension shall be given by certified mail or statutory overnight  
 166 delivery, return receipt requested, to the address reflected in the department's records as

167 the driver's mailing address or, in lieu thereof, notice may be given by personal service  
 168 upon such person. ~~Such license shall be surrendered within ten days of notification of such~~  
 169 ~~suspension.~~ Notice given by certified mail or statutory overnight delivery, return receipt  
 170 requested, mailed to the person's last known address shall be prima-facie evidence that such  
 171 person received the required notice.

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

174 (1) Subject to the requirements of subsection ~~(c)~~ (d) of this Code section and except as  
 175 otherwise provided by paragraph (2) of this subsection:

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

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

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

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

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

198 ~~(b.1)~~(c.1) In any case where a person's driver's license was administratively suspended as  
 199 a result of a violation of Code Section 40-6-391 for which the person's driver's license has  
 200 been suspended pursuant to subsection (c) of this Code section, the administrative license  
 201 suspension period and the license suspension period provided by this Code section may run  
 202 concurrently, and any completed portion of such administrative license suspension period

203 shall apply toward completion of the license suspension period provided by this Code  
204 section.

205 ~~(c)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section  
206 for commission of any offense other than violation of Code Section 40-6-391 shall not  
207 become valid and shall remain suspended until such person submits proof of completion  
208 of a defensive driving course approved by the commissioner pursuant to Code Section  
209 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under  
210 subsection (a) of this Code section for commission of a violation of Code Section  
211 40-6-391 shall not become valid and shall remain suspended until such person submits  
212 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the  
213 applicable reinstatement fee.

214 (2) The reinstatement fee for a first such suspension shall be \$210.00 or \$200.00 if paid  
215 by mail. The reinstatement fee for a second or subsequent such suspension shall be  
216 \$310.00 or \$300.00 if paid by mail.

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

219 **SECTION 9.**

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

222 "(c) **Standards for approval.** The department shall issue a limited driving permit if the  
223 application indicates that refusal to issue such permit would cause extreme hardship to the  
224 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the  
225 purposes of this Code section, 'extreme hardship' means that the applicant cannot  
226 reasonably obtain other transportation, and therefore the applicant would be prohibited  
227 from:

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

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

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

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

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

- 238 (6) Attending court, reporting to a probation office or officer, or performing community  
 239 service; or
- 240 (7) Transporting an immediate family member who does not hold a valid driver's license  
 241 for work, medical care, or prescriptions or to school.

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

243 (1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code  
 244 section shall not apply and shall not be considered for purposes of granting a limited  
 245 driving permit or imposing conditions thereon under this Code section in the case of a  
 246 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section  
 247 40-5-22.

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

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

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

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

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

258 **SECTION 10.**

259 Said chapter is further amended in Code Section 40-5-81, relating to the driver improvement  
 260 clinic or DUI Alcohol or Drug Use Risk Reduction Program option and the certification and  
 261 approval of courses, by adding a new subsection to read as follows:

262 "(d) It shall be unlawful for the owner, agent, servant, or employee of any driver  
 263 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the  
 264 department to directly or indirectly offer, for purposes of the enrollment or solicitation of  
 265 any student or prospective student, any item of monetary value, including but not limited  
 266 to United States legal tender, food, gasoline cards, debit gift cards, or merchant gift cards  
 267 to any:

268 (1) Student or agent or legal representative of a student;

269 (2) Employee or agent of a private company which has contracted with a county,  
 270 municipality, or consolidated government to provide probation services pursuant to  
 271 Article 6 of Chapter 8 of Title 42;

272 (3) Law enforcement officer; or

273 (4) Officer or employee of the judicial branch or a court.

274 A violation of this subsection shall be a misdemeanor."

275 **SECTION 11.**

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

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

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

300 **SECTION 12.**

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

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

- 306 (1) The full legal name and residential address of the person;
- 307 (2) The person's ~~color~~ photograph;
- 308 (3) A physical description of the person, including sex, height, weight, and eye color;

- 309 (4) Full date of birth;
- 310 (5) The license number or identifier assigned by the department;
- 311 (6) The person's signature;
- 312 (7) The class or type of commercial motor vehicle or vehicles which the person is
- 313 authorized to drive, together with any endorsements or restrictions;
- 314 (8) The name of this state; and
- 315 (9) The dates between which the license is valid."

316 **SECTION 13.**

317 Said chapter is further amended in Code Section 40-5-171, relating to contents of personal

318 identification cards for persons with disabilities, by revising subsection (a) as follows:

319 "(a) The department shall issue personal identification cards to persons with disabilities

320 who make application to the department in accordance with rules and regulations

321 prescribed by the commissioner. The identification card for persons with disabilities shall

322 contain a recent color photograph of the applicant and the following information:

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

339 **SECTION 14.**

340 Said chapter is further amended in Code Section 40-5-121, relating to driving while license

341 is suspended or revoked, by adding a new subsection to read as follows:

342 "(e) When a license or nonresident driving privilege has been suspended pursuant to Code

343 Section 40-5-56, proof that a driver acknowledged service and receipt of a copy of a

344 uniform traffic citation at the time it was issued shall be deemed conclusively to be legal  
 345 notice to such driver of the suspension of his or her driver's license or nonresident driving  
 346 privilege on the twenty-ninth calendar day following notice to the department from the  
 347 court of his or her failure to appear and shall be deemed to satisfy all notice requirements  
 348 of law. Such proof shall be sufficient to support a conviction for a violation of this Code  
 349 section if such person drives subsequent to the imposition of a suspension under Code  
 350 Section 40-5-56 and before complying with the reinstatement provisions in subsection (b)  
 351 of Code Section 40-5-56. Proof of mailing of the notice of intent to suspend by the  
 352 department shall be admissible to support a conviction for a violation of this Code section  
 353 if such person drives subsequent to the imposition of such a suspension following his or  
 354 her failure to appear."

355 **SECTION 15.**

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

359 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition  
 360 interlock device limited driving permit or probationary license pursuant to Code Section  
 361 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph  
 362 ~~(b)~~(c)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section  
 363 40-5-63, the Department of Driver Services shall not issue an ignition interlock device  
 364 limited driving permit until after the expiration of 120 days from the date of the  
 365 conviction for which such certificate was granted."

366 **SECTION 16.**

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