

COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 100

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated,
2 relating to prohibited acts regarding the regulation of alcoholic beverages generally, so as to
3 repeal certain provisions for driver's license suspensions not directly related to traffic safety;
4 to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated,
5 relating to the Child Support Recovery Act, so as to require certain notifications to
6 delinquent obligors; to amend Chapter 2 of Title 20 of the Official Code of Georgia
7 Annotated, relating to elementary and secondary education, so as to revise certain reporting
8 requirements by the Department of Education to the Department of Driver Services; to
9 amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
10 traffic, so as to revise provisions regarding licensing for the operation of motor vehicles and
11 the operation of motor vehicles; to provide for applicability with current federal regulations
12 in the safe operations of motor carriers and commercial motor vehicles; to provide for
13 definitions; to provide for registration and regulation of for-hire intrastate motor carriers and
14 intrastate motor carriers; to provide for the dissemination of certain information by the
15 Department of Driver Services; to provide for participation in an anatomical gift donation
16 program when obtaining a personal identification card through the department; to provide
17 for the designation of such participation on personal identification cards; to provide for the
18 dissemination of identifying information for applicants making such election; to repeal
19 certain provisions for driver's license suspensions not directly related to traffic safety; to
20 provide for a waiver of the application fee for instruction permits in certain instances; to
21 provide for legislative findings; to provide for the use of paper eye charts for the testing of
22 noncommercial driver's vision; to provide for the issuance of limited driving permits to
23 noncommercial drivers in certain instances; to change provisions relating to a plea of nolo
24 contendere; to prohibit the offering of items of monetary value for the enrollment of students
25 by any driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program
26 licensed by the department; to allow photographs on drivers' licenses and identification cards
27 to be in black and white; to provide for the conditions under which limited driving permits
28 shall be issued; to allow photographs on drivers' licenses and identification cards to be in

29 black and white; to provide for related matters; to provide for effective dates and
 30 applicability; to repeal conflicting laws; and for other purposes.

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

32 **PART I**
 33 **SECTION 1-1.**

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

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

43 **PART II**
 44 **SECTION 2-1.**

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

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

51 **PART III**
 52 **SECTION 3-1.**

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

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

65 SECTION 3-2.

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

69 "(5) Within 30 days after the beginning of each school year, it shall be the duty of the
 70 administrator of each private school to provide to the school superintendent of each local
 71 public school district which has residents enrolled in the private school a list of the name,
 72 age, and residence of each resident so enrolled. At the end of each school month, it shall
 73 be the duty of the administrator of each private school to notify the school superintendent
 74 of each local public school district of the name, age, and residence of each student
 75 residing in the public school district who enrolls or terminates enrollment at the private
 76 school during the immediately preceding school month. Such records shall indicate when
 77 attendance has been suspended and the grounds for such suspension. Enrollment records
 78 and reports shall not be used for any purpose except providing necessary enrollment
 79 information, except with the permission of the parent or guardian of a child, pursuant to
 80 the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~
 81 enrollment by the Department of Driver Services for the purposes set forth in subsection
 82 (a.1) of Code Section 40-5-22; and"

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

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SECTION 3-3.

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 3-4.

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."

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SECTION 3-5.

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."~~

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PART IV
SECTION 4-1.

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

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

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SECTION 4-2.

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

161 vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as
 162 follows:

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

165 SECTION 4-3.

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

168 "40-2-1.

169 As used in this chapter, the term:

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

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

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

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

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

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

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

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

190 ~~(4)~~(6) 'Motor carrier' means:

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

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

197 ~~(5)~~(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902,
198 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

199 ~~(6)~~(8) 'Regulatory compliance inspection' means the examination of facilities, property,
200 buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting
201 documentation kept or required to be kept in the normal course of motor carrier business
202 or enterprise operations.

203 ~~(7)~~(9) 'Resident' means a person who has a permanent home or domicile in Georgia and
204 to which, having been absent, he or she has the intention of returning. For the purposes
205 of this chapter, there is a rebuttable presumption that any person who, except for
206 infrequent, brief absences, has been present in the state for 30 or more days is a resident.

207 ~~(8)~~(10) 'Revocation of vehicle registration' means the termination by formal action of the
208 department of a vehicle registration, which registration shall not be subject to renewal or
209 reinstatement, except that an application for a new registration may be presented and
210 acted upon by the department after the expiration of the applicable period of time
211 prescribed by law.

212 ~~(9)~~(11) 'Suspension of vehicle registration' means the temporary withdrawal by formal
213 action of the department of a vehicle registration, which temporary withdrawal shall be
214 for a period specifically designated by the department."

215 **SECTION 4-4.**

216 Said title is further amended in Code Section 40-2-20, relating to registration and license
217 requirements, by adding a new subparagraph to paragraph (1) of subsection (a) to read as
218 follows:

219 "(C) The county tag agent may issue a temporary operating permit for any vehicle that
220 fails to comply with applicable federal emission standards, provided that the owner of
221 such vehicle has provided verification of the existence of minimum motor vehicle
222 liability insurance coverage and paid all applicable taxes, penalties, insurance lapse
223 fees, and fees other than the registration fee. Such temporary operating permit shall be
224 valid for 30 days and shall not be renewable."

225 **SECTION 4-5.**

226 Said title is further amended by revising subsections (d), (e), and (f) of Code Section
227 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of
228 2005 by the Department of Public Safety, registration and fee requirements, evidence of
229 continuing education, requirements for obtaining operating authority, collection, retention,
230 and utilization of fees, regulatory compliance inspections, and penalties, as follows:

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

235 (2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed
236 with the commissioner ~~or the Federal Motor Carrier Safety Administration or any~~
237 ~~successor agency~~ a certificate of insurance for such applicant or holder, on forms
238 prescribed by the commissioner, evidencing a policy of indemnity insurance by an
239 insurance company licensed to do business in this state. Such policy shall provide for the
240 protection of passengers in passenger vehicles and the protection of the public against the
241 negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is
242 determined to be the proximate cause of any injury. The commissioner shall determine
243 and fix the amounts of such indemnity insurance and shall prescribe the provisions and
244 limitations thereof. The insurer shall file such certificate. Failure to file any form
245 required by the commissioner shall not diminish the rights of any person to pursue an
246 action directly against a for-hire intrastate motor carrier's insurer. The insurer may file
247 its certificate of insurance electronically with the commissioner.

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

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

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

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

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SECTION 4-6.

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Said title is further amended in Code Section 40-5-2, relating to information which may be disseminated by the Department of Driver Services, by revising paragraph (5) of subsection (f) as follows:

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"(5) The information required to be made available to organ procurement organizations pursuant to subsection (d) of Code Section 40-5-25 and subsection (e) of Code Section 40-5-100 and for the purposes set forth in such Code ~~section~~ sections;"

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SECTION 4-7.

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Said title is further amended by revising Code Section 40-5-6, relating to forms for making anatomical gifts, as follows:

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"40-5-6.

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(a) Whenever any person applies for or requests the issuance, reissuance, or renewal of any class of driver's license or personal identification card, the department shall furnish ~~that~~ such person with a form, sufficient under Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' for the gift of all or part of the donor's body conditioned upon the donor's death. If any such person, legally authorized to execute such a gift as provided for pursuant to Code Section 44-5-142, desires to execute a gift, the department shall provide ~~that~~ such person with appropriate assistance and the presence of the legally required number of witnesses.

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(b) A notation shall be affixed to or made a part of every driver's license and personal identification card issued in this state indicating whether or not the licensee or cardholder has executed, under Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' a gift, by will or otherwise, of all or part of his or her body conditioned upon the donor's death."

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SECTION 4-8.

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Said title is further amended in Code Section 40-5-22, relating to persons not to be licensed and school attendance requirements, by revising subsections (a.1) and (c) and by adding a new subsection to read as follows:

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"(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

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299 postsecondary school, is pursuing a general educational development (GED) diploma, or
 300 the records of the department indicate that said applicant:

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

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

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

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

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

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

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

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

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

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

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

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

335 ~~Notice given by certified mail or statutory overnight delivery with return receipt~~
 336 ~~requested mailed to the person's last known address shall be prima-facie evidence that~~
 337 ~~such person received the required notice. Such notice shall include instructions to the~~
 338 ~~minor to return immediately the instruction permit or driver's license to the department~~
 339 ~~and information summarizing the minor's right to request an exemption from the~~
 340 ~~provisions of this subsection. The minor so notified may request in writing a hearing~~
 341 ~~within ten business days from the date of receipt of notice. Within 30 days after~~
 342 ~~receiving a written request for a hearing, the department shall hold a hearing as provided~~
 343 ~~for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such~~
 344 ~~hearing, the department shall sustain its order of suspension or rescind such order. The~~
 345 ~~department shall be authorized to grant an exemption from the provisions of this~~
 346 ~~subsection to a minor, upon such minor's petition, if there is clear and convincing~~
 347 ~~evidence that the enforcement of the provisions of this subsection upon such minor would~~
 348 ~~create an undue hardship upon the minor or the minor's family or if there is clear and~~
 349 ~~convincing evidence that the enforcement of the provisions of this subsection would act~~
 350 ~~as a detriment to the health or welfare of the minor. Appeal from such hearing shall be~~
 351 ~~in accordance with said chapter. If no hearing is requested within the ten business days~~
 352 ~~specified above, the right to a hearing shall have been waived and the instruction permit~~
 353 ~~or driver's license of the minor shall remain suspended. The suspension provided for in~~
 354 ~~this paragraph shall be for a period of one year or shall end upon the date of such minor's~~
 355 ~~eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of~~
 356 ~~this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has~~
 357 ~~received a general educational development (GED) diploma, a high school diploma, a~~
 358 ~~special diploma, a certificate of high school completion, or has terminated his or her~~
 359 ~~secondary education and is enrolled in a postsecondary school, whichever comes first.~~
 360 ~~(3)(2) The State Board of Education and the commissioner of driver services are~~
 361 ~~authorized to promulgate rules and regulations to implement the provisions of this~~
 362 ~~subsection.~~

363 ~~(4)(3) The Technical College System of Georgia shall be responsible for compliance and~~
 364 ~~noncompliance data for students pursuing a general educational development (GED)~~
 365 ~~diploma."~~

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

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

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

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

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

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

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

382 (7) Whose license issued by any other jurisdiction is suspended or revoked by such other
 383 jurisdiction during the period such license is suspended or revoked by such other
 384 jurisdiction.

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

390 **SECTION 4-9.**

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

393 "(b)(1) Each person applying for a Class P commercial or noncommercial instruction
 394 permit for a Class A, B, C, E, F, or M driver's license shall pay the applicable license fee
 395 prior to attempting the knowledge test for the instruction permit sought when the
 396 knowledge test is to be administered by the department. If said person fails to achieve
 397 a passing score on the knowledge test, the license fee paid shall be considered a testing
 398 fee and retained by the department. Any person failing to achieve a passing score on the
 399 knowledge test for an instructional permit shall pay the applicable license fee on each
 400 subsequent attempt until successful, at which time said fee shall be his or her license fee.

401 (2) The department shall waive the license fee for each person applying for a Class P
 402 noncommercial instruction permit for a Class C driver's license when the noncommercial
 403 knowledge test is to be administered by a licensed driver training school or public or
 404 private high school authorized to administer such tests as provided for in subsection (d)
 405 of Code Section 40-5-27.

406 (3) Each person applying for a Class A, B, or C commercial driver's license shall pay the
 407 applicable license fee at the time that he or she schedules his or her appointment for said
 408 skills test. If said person fails to appear for his or her scheduled skills test appointment
 409 or fails to achieve a passing score on the skills test, the license fee paid shall be
 410 considered a testing fee and retained by the department. The person shall pay the
 411 applicable license fee on each subsequent attempt until successful, at which time said fee
 412 shall be his or her license fee. All fees retained by the department pursuant to this Code
 413 section shall be remitted to the general fund."

414 **SECTION 4-10.**

415 Said title is further amended in Code Section 40-5-25, relating to indication of participation
 416 in voluntary programs on driver's license application, by revising subsection (d) and
 417 paragraph (1) of subsection (e) as follows:

418 "(d)(1) The General Assembly finds that it is in the best interest of ~~the~~ this state to
 419 encourage improved public education and awareness regarding anatomical gifts of human
 420 organs and tissues and to address the ever increasing need for donations of anatomical
 421 gifts for the benefit of the citizens of Georgia.

422 (2) The department shall make available to ~~those federally designated organ procurement~~
 423 ~~organizations~~ or secure data centers maintained and managed at the direction of a
 424 procurement organization information provided for in Article 6 of Chapter 5 of Title 44,
 425 the 'Georgia Revised Uniform Anatomical Gift Act,' including the name, license number,
 426 date of birth, gender, and most recent address of any person eligible pursuant to Code
 427 Section 44-5-142 who obtains an organ donor driver's license; provided, however, that
 428 the gender information shall be made available only to a procurement organization or
 429 secure data center if such organization or center has sufficient funds to cover the
 430 associated costs of providing such information. Information so obtained by such
 431 organizations and centers shall be used for ~~the purpose of establishing~~ a state-wide organ
 432 donor registry accessible to organ tissue and eye banks authorized to function as such in
 433 this state and shall not be further disseminated.

434 (e)(1) The General Assembly finds that it is in the best ~~interests~~ interest of ~~the~~ this state
 435 to encourage improved public education and awareness regarding blindness and to
 436 address the need for blindness prevention screenings, and treatments, and rehabilitation
 437 for the benefit of the citizens of Georgia."

438 **SECTION 4-11.**

439 Said title is further amended in Code Section 40-5-27, relating to examination of driver's
 440 license applicants, by revising paragraph (1) of subsection (c) as follows:

441 "(c)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, no
 442 noncommercial driver's license shall be issued to any person who does not have a visual
 443 acuity of 20/60, corrected or uncorrected, in at least one eye or better and a horizontal
 444 field of vision with both eyes open of at least 140 degrees or, in the event that one eye
 445 only has usable vision, horizontal field of vision must be at least 70 degrees temporally
 446 and 50 degrees nasally."

447 **SECTION 4-12.**

448 Said title is further amended in Code Section 40-5-28, relating to contents of drivers' licenses,
 449 by revising subsection (a) as follows:

450 "(a) Except as provided in subsection (c) of this Code section, the department shall, upon
 451 payment of the required fee, issue to every applicant qualifying therefor a driver's license
 452 indicating the type or general class of vehicles the licensee may drive, which license shall
 453 be upon a form prescribed by the department and which shall bear thereon a distinguishing
 454 number assigned to the licensee, a ~~color~~ photograph of the licensee, the licensee's full legal
 455 name, either a facsimile of the signature of the licensee or a space upon which the licensee
 456 shall write his or her usual signature with a pen and ink immediately upon receipt of the
 457 license, and such other information or identification as is required by the department. No
 458 license shall be valid until it has been so signed by the licensee. The department shall not
 459 require applicants to submit or otherwise obtain from applicants any fingerprints or any
 460 other biological characteristic or information which uniquely identifies an individual,
 461 including without limitation deoxyribonucleic acid (DNA) and retinal scan identification
 462 characteristics but not including a photograph, by any means upon application."

463 **SECTION 4-13.**

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

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

- 470 (1) Homicide by vehicle, as defined by Code Section 40-6-393;
 471 (2) Any felony in the commission of which a motor vehicle is used;
 472 (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
 473 (4) Racing on highways and streets;
 474 (5) Using a motor vehicle in fleeing or attempting to elude an officer; or

475 ~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section~~
 476 ~~40-5-120 or 40-5-125;~~
 477 ~~(7)(6) Operating a motor vehicle with a revoked, canceled, or suspended registration in~~
 478 ~~violation of Code Section 40-6-15; or~~
 479 ~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to~~
 480 ~~an identification document as defined in Code Section 16-9-4."~~

481 **SECTION 4-14.**

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

485 **SECTION 4-15.**

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

488 "(a) Notwithstanding any other provision of this chapter, the driver's license of any person
 489 under 21 years of age convicted of hit and run or leaving the scene of an accident in
 490 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle
 491 in fleeing or attempting to elude an officer, reckless driving, any offense for which four or
 492 more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an~~
 493 ~~alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,~~
 494 ~~or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation
 495 of Code Section 40-6-391 shall be suspended by ~~the department~~ operation of law as
 496 provided by this Code section; ~~and the.~~ A plea of nolo contendere shall be considered a
 497 conviction for the purposes of this subsection. The court in which such conviction is had
 498 shall require the surrender to it of the driver's license then held by the person so convicted,
 499 and the court shall thereupon forward such license and a copy of the disposition to the
 500 department within ten days after the conviction. The department shall send notice of any
 501 suspension imposed pursuant to this subsection via certified mail to the address reflected
 502 on its records as the person's mailing address.

503 (b) The driver's license of any person under 18 years of age who has accumulated a
 504 violation point count of four or more points under Code Section 40-5-57 in any consecutive
 505 12 month period shall be suspended by the department as provided by subsection (c) of this
 506 Code section. A plea of nolo contendere shall be considered a conviction for purposes of
 507 this subsection. Notice of suspension shall be given by certified mail or statutory overnight
 508 delivery, return receipt requested; to the address reflected in the department's records as
 509 the driver's mailing address or, in lieu thereof, notice may be given by personal service

510 upon such person. ~~Such license shall be surrendered within ten days of notification of such~~
 511 ~~suspension.~~ Notice given by certified mail or statutory overnight delivery, return receipt
 512 requested, mailed to the person's last known address shall be prima-facie evidence that such
 513 person received the required notice.

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

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

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

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

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

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

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

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

547 ~~(e)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section
 548 for commission of any offense other than violation of Code Section 40-6-391 shall not
 549 become valid and shall remain suspended until such person submits proof of completion
 550 of a defensive driving course approved by the commissioner pursuant to Code Section
 551 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under
 552 subsection (a) of this Code section for commission of a violation of Code Section
 553 40-6-391 shall not become valid and shall remain suspended until such person submits
 554 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the
 555 applicable reinstatement fee.

556 (2) The reinstatement fee for a first such suspension shall be \$210.00 or \$200.00 if paid
 557 by mail. The reinstatement fee for a second or subsequent such suspension shall be
 558 \$310.00 or \$300.00 if paid by mail.

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

561 **SECTION 4-16.**

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

564 **SECTION 4-17.**

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

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

568 (1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any
 569 other Code section of this chapter, any person who has not been previously convicted or
 570 adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as
 571 measured from the dates of previous arrests for which convictions were obtained or pleas
 572 of nolo contendere were accepted to the date of the current arrest for which a conviction
 573 is obtained or a plea of nolo contendere is accepted, may apply for a limited driving
 574 permit when and only when that person's driver's license has been suspended in
 575 accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22~~, subsection
 576 (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63,
 577 paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code
 578 Section 40-5-57.1, when the person is 18 years of age or older and his or her license was
 579 suspended for exceeding the speed limit by 24 miles per hour or more but less than 34
 580 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable
 581 to issue a limited driving permit."

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

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

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

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

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

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

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

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

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

603 (1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code
 604 section shall not apply and shall not be considered for purposes of granting a limited
 605 driving permit or imposing conditions thereon under this Code section in the case of a
 606 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section
 607 40-5-22.

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

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

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

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

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

SECTION 4-18.

Said title 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

655 date of the current arrest for which a conviction is obtained, such person's license shall
 656 be suspended for a period of five years. At the end of two years, the person may apply
 657 to the department for a three-year driving permit upon compliance with the following
 658 conditions:

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

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

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

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

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

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

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

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

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

692 of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere
693 within such five-year period of time shall constitute a conviction.

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

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

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

727 (2) If a plea of nolo contendere is accepted and the defendant's driver's license has not
728 been suspended under any other provision of this title and if the defendant has not been

729 ~~convicted of or has not had a plea of nolo contendere accepted to a charge of violating~~
 730 ~~this Code section within the previous five years, the court shall, subject to paragraph (1)~~
 731 ~~of this subsection, return the driver's license to the person; otherwise, such driver's license~~
 732 ~~shall be forwarded to the department.~~

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

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

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

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

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

762 ~~(i)~~(g) Notwithstanding any other provision of this chapter to the contrary, the suspension
 763 imposed pursuant to this Code section shall be in addition to and run consecutively to any
 764 other suspension imposed by the department at the time of the conviction that results in
 765 said suspension. If the person has never been issued a driver's license in the State of

766 Georgia or holds a driver's license issued by another state, the person shall not be eligible
 767 for a driver's license for the applicable period of suspension following his or her
 768 submission of an application for issuance thereof."

769 **SECTION 4-19.**

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

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

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

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

783 (3) Law enforcement officer; or

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

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

786 **SECTION 4-20.**

787 Said title is further amended in Code Section 40-5-100, relating to the issuance of personal
 788 identification cards, by revising subsection (a) and by adding new subsections to read as
 789 follows:

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

797 (1) Full legal name;

798 (2) Address of residence;

799 (3) Birth date;

800 (4) Date identification card was issued;

801 (5) Sex;

802 (6) Height;

803 (7) Weight;

804 (8) Eye color;

805 (9) Signature of person identified or facsimile thereof; ~~and~~

806 (10) Designation of participation in an anatomical gift donation program when such

807 person is eligible to make such gift pursuant to Code Section 44-5-142; and

808 (11) Such other information or identification as required by the department; provided,

809 however, that the department shall not require an applicant to submit or otherwise obtain

810 from an applicant any fingerprints or any other biological characteristic or information

811 which uniquely identifies an individual, including without limitation deoxyribonucleic

812 acid (DNA) and retinal scan identification characteristics but not including a photograph,

813 by any means upon application."

814 "(e)(1) The General Assembly finds that it is in the best interest of this state to encourage

815 improved public education and awareness regarding anatomical gifts of human organs

816 and tissues and to address the ever increasing need for donations of anatomical gifts for

817 the benefit of the citizens of Georgia.

818 (2) The department shall make available to procurement organizations or secure data

819 centers maintained and managed at the direction of a procurement organization

820 information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised

821 Uniform Anatomical Gift Act,' including the name, personal identification card number,

822 date of birth, gender, and most recent address of any person who obtains an organ donor

823 identification card; provided, however, that the gender information shall be made

824 available only to a procurement organization or secure data center if such organization

825 or center has sufficient funds to cover the associated costs of providing such information.

826 Information so obtained by such organizations and centers shall be used for a state-wide

827 organ donor registry accessible to organ tissue and eye banks authorized to function as

828 such in this state and shall not be further disseminated.

829 (f)(1) The General Assembly finds that it is in the best interest of this state to encourage

830 improved public education and awareness regarding blindness and to address the need for

831 blindness prevention screenings, treatments, and rehabilitation for the benefit of the

832 citizens of Georgia.

833 (2) Each application form for issuance, reissuance, or renewal of a personal identification

834 card under this Code section shall include language permitting the applicant to make a

835 voluntary contribution of \$1.00 to be used for purposes of preventing blindness and

836 preserving the sight of residents of this state. Any such voluntary contribution shall be

837 made at the discretion of the applicant at the time of application in addition to payment
 838 of the personal identification card fee prescribed by the commissioner.
 839 (3) Voluntary contributions made pursuant to this subsection shall be transmitted to the
 840 Department of Public Health for use thereby in providing the blindness education,
 841 screening, and treatment program provided by Code Section 31-1-23."

842 **SECTION 4-21.**

843 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
 844 40-5-121, relating to driving while license suspended or revoked, as follows:

845 "(b)(1) The department, upon receiving a record of the conviction of any person under
 846 this Code section upon a charge of driving a vehicle while the license of such person was
 847 suspended, disqualified, or revoked, including suspensions under subsection (f) (e) of
 848 Code Section 40-5-75, shall extend the period of suspension or disqualification by six
 849 months. Upon the expiration of six months from the date on which the suspension or
 850 disqualification is extended and payment of the applicable reinstatement fee, the
 851 department shall reinstate the license. The reinstatement fee for a first such conviction
 852 within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement
 853 fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00
 854 if paid by mail. The reinstatement fee for a third or subsequent such conviction within
 855 a five-year period shall be \$410.00 or \$400.00 if paid by mail."

856 **SECTION 4-22.**

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

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

- 862 (1) The full legal name and residential address of the person;
- 863 (2) The person's color photograph;
- 864 (3) A physical description of the person, including sex, height, weight, and eye color;
- 865 (4) Full date of birth;
- 866 (5) The license number or identifier assigned by the department;
- 867 (6) The person's signature;
- 868 (7) The class or type of commercial motor vehicle or vehicles which the person is
 869 authorized to drive, together with any endorsements or restrictions;
- 870 (8) The name of this state; and
- 871 (9) The dates between which the license is valid."

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SECTION 4-23.

873

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

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

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(1) Full legal name;

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(2) Address of residence;

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(3) Birth date;

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(4) Date identification card was issued;

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(5) Date identification card expires;

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(6) Sex;

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(7) Height;

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(8) Weight;

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(9) Eye color;

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(10) Signature of person identified or facsimile thereof; and

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(11) Such other information as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

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SECTION 4-24.

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Said title is further amended in Code Section 40-6-15, relating to knowingly driving a motor vehicle with a suspended, canceled, or revoked vehicle registration, by revising subsection (e) as follows:

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~~"(e) For all purposes under this Code section, a plea of nolo contendere shall be considered as a conviction. For purposes of pleading nolo contendere, only one nolo contendere plea shall be accepted to a charge of driving a motor vehicle with a suspended, canceled, or revoked vehicle registration within a five-year period of time as measured from the date of the previous arrest for which a conviction was obtained or plea of nolo contendere was accepted to the date of the current arrest. All other nolo contendere pleas within such period of time shall be considered convictions."~~

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PART V

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SECTION 5-1.

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

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

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PART VI

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SECTION 6-1.

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Section 4-9 of Part IV of this Act shall become effective on January 1, 2016, and all other parts of this Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date.

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SECTION 6-2.

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