

The Senate Committee on Judiciary Non Civil offered the following substitute to HB 205:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights
2 of motorists, test results, refusal to submit, suspensions and denials, and right to a hearing
3 and review, so as to prohibit a withdraw of an arrest report related to driving while under the
4 influence of alcohol previously submitted by a law enforcement officer to the Department
5 of Driver Services; to prohibit law enforcement officers from entering a joint withdrawal
6 agreement on behalf of such department at an administrative license suspension hearing; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of
11 motorists, test results, refusal to submit, suspensions and denials, and right to a hearing and
12 review, is amended by revising paragraph (1) of subsection (f) and by adding a new
13 subsection to read as follows:

14 "(f)(1) The law enforcement officer, acting on behalf of the department, shall personally
15 serve the notice of intention to suspend or disqualify the license of the arrested person or
16 other person refusing such test on such person at the time of the person's refusal to submit
17 to a test or at the time at which such a test indicates that suspension or disqualification
18 is required under this Code section. The law enforcement officer shall take possession
19 of any driver's license or permit held by any person whose license is subject to suspension
20 pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a 30 day
21 temporary driving permit. The officer shall forward the person's driver's license to the
22 department along with the notice of intent to suspend or disqualify and the report required
23 by subsection (c) or (d) of this Code section within ten calendar days after the date of the
24 arrest of such person. A report submitted by an officer shall not later be withdrawn by
25 such officer. This paragraph shall not apply to any person issued a 180 day temporary
26 driving permit pursuant to subsection (b) of Code Section 40-5-67. The failure of the

27 officer to transmit the report required by this Code section within ten calendar days shall
28 not prevent the department from accepting such report and utilizing it in the suspension
29 of a driver's license as provided in this Code section."

30 "(k) No law enforcement officer shall be authorized to withdraw a report required by
31 subsection (c) or (d) of this Code section, enter into a joint withdrawal agreement on behalf
32 of the department, or take any other action involving the criminal disposition of the matter
33 which otherwise would be in the discretion of the prosecuting attorney."

34 **SECTION 2.**
35 All laws and parts of laws in conflict with this Act are repealed.