

SENATE SUBSTITUTE TO HB 136

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapters 5, 6, and 16 of Title 40 of the Official Code of Georgia Annotated,
 2 relating to drivers' licenses, the Uniform Rules of the Road, and the Department of Driver
 3 Services, respectively, so as to provide for demarcation of a valid driver's license, permit, or
 4 identification card by the Department of Driver Services and return of such license, permit,
 5 or card to a person applying for a new license or card; to provide for receipt upon
 6 confirmation of eligibility for a new driver's license or permit for purposes of legally
 7 operating a motor vehicle until arrival of the permanent driver's license or permit; to remove
 8 requirement that a visually impaired parent or legal guardian must have previously held a
 9 valid driver's license in order for his or her minor child to operate a motor vehicle; to provide
 10 for the issuance of a noncommercial Class C driver's license for the operation of
 11 three-wheeled motor vehicles equipped with a steering wheel for directional control; to
 12 provide for the issuance of a noncommercial Class M driver's license for the operation of
 13 motorcycles equipped with handlebars for directional control; to provide for fees for issuance
 14 of certain drivers' licenses and permits; to allow for department consideration of any
 15 violation of law in determining whether disqualification of a commercial driver's license, a
 16 commercial driver instructor permit, or commercial driving privileges is appropriate; to
 17 revise punishment for failure to surrender certain identification cards, drivers' licenses,
 18 instruction permits, and limited driving permits; to provide for fees for issuance of
 19 identification cards; to provide for the manner of riding a motorcycle; to provide authority
 20 to the commissioner to contract for the collection of delinquent fees; to provide for related
 21 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

23 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 24 is amended in Code Section 40-5-20, relating to license requirement, surrender of prior
 25 licenses, and prohibition of local licenses, by revising subsection (c) as follows:
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27 "(c)(1)(A) Any person who applies for a driver's license, instruction permit, or limited
 28 driving permit shall indicate on such application whether he or she is in possession of
 29 any other valid driver's license or permit issued pursuant to this title or from any other
 30 jurisdiction.

31 (B) Except as provided in paragraph (2) of this subsection and in Code Section
 32 40-5-32, no person shall receive a driver's license unless and until such person
 33 surrenders to the department all valid licenses or permits in such person's possession
 34 issued to him or her by this pursuant to this title or by any other jurisdiction. All
 35 surrendered licenses issued by another jurisdiction shall be destroyed. The department
 36 shall physically mark any surrendered license or permit in a manner which makes it
 37 apparent that such license or permit is no longer valid and return the license or permit
 38 to such person.

39 (C) The department shall issue a receipt to a person eligible to be issued a driver's
 40 license, instruction permit, or limited driving permit pursuant to the requirements of this
 41 title. Such receipt shall satisfy the requirements of subsection (a) of Code Section
 42 40-5-29 regarding proof of eligibility to operate a motor vehicle until the person has
 43 received his or her permanent driver's license, instruction permit, or limited driving
 44 permit.

45 (D) If a surrendered driver's license was issued by another jurisdiction, the department
 46 shall forward the surrendered license information shall be forwarded to the
 47 previous jurisdiction.

48 (E) Except as provided for in paragraph (2) of this subsection, no person shall be
 49 permitted to have more than one valid driver's license at any time.

50 (2) Any noncitizen who is eligible for issuance of a driver's license, instruction permit,
 51 or limited driving permit pursuant to the requirements of this chapter title and is in
 52 possession of a valid driver's license or permit issued by a foreign jurisdiction may be
 53 issued a driver's license, instruction permit, or limited driving permit without
 54 surrendering any driver's license previously issued to him or her by any foreign
 55 jurisdiction the foreign driver's license or permit. This exemption shall not apply to a
 56 person who is applying for a commercial driver's license or who is required to terminate
 57 any previously issued driver's license pursuant to federal law. The department shall make
 58 a notation on the driving record of any person who retains a foreign driver's license, and
 59 this information shall be made available to law enforcement officers and agencies on such
 60 person's driving record through the Georgia Crime Information Center."

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SECTION 2.

Said chapter is further amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licenses, school enrollment requirements, driving training requirements, and limited driving permit, by revising subsection (b) as follows:

"(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person 14 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to visual impairment may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle. Any person permitted pursuant to this subsection shall be accompanied whenever operating a motor vehicle by such physically impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. ~~The department shall require satisfactory proof that the physically impaired parent or guardian previously held a valid driver's license in the State of Georgia, another state, or the District of Columbia before issuing an instructional permit pursuant to this paragraph.~~

(2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to physical impairment and has been issued an identification card containing the international handicapped symbol pursuant to Article 8 of this chapter may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall be accompanied whenever operating a motor vehicle by such physically impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. ~~The department shall require satisfactory proof that the physically impaired parent or guardian previously held a valid driver's license in the State of Georgia, another state, or the District of Columbia before issuing an instructional permit pursuant to this paragraph."~~

SECTION 2A.

Said chapter is further amended in Code Section 40-5-23, relating to classes of licenses, by revising subsection (c) as follows:

"(c) The noncommercial classes of motor vehicles for which operators may be licensed shall be as follows:

97 Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000
 98 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in
 99 excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight
 100 rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross
 101 combined vehicle weight rating not in excess of 26,000 pounds, any three-wheeled motor
 102 vehicle that is equipped with a steering wheel for directional control, and any
 103 self-propelled or towed vehicle that is equipped to serve as temporary living quarters for
 104 recreational, camping, or travel purposes and is used solely as a family or personal
 105 conveyance; except that any combination of vehicles with a gross vehicle weight rating
 106 not in excess of 26,000 pounds may be operated under such class of license if such
 107 combination of vehicles are controlled and operated by a farmer, used to transport
 108 agricultural products, livestock, farm machinery, or farm supplies to or from a farm, and
 109 are not used in the operations of a common or contract carrier;

110 Class D — Provisional license applicable to noncommercial Class C vehicles for which
 111 an applicant desires a driver's license but is not presently licensed to drive;

112 Class E — Any combination of vehicles with a gross vehicle weight rating of 26,001
 113 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles
 114 being towed is in excess of 10,000 pounds, and all vehicles included within Class F and
 115 Class C;

116 Class F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or
 117 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess
 118 of 10,000 pounds, and all vehicles included within Class C;

119 Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles equipped
 120 with handlebars for directional control;

121 Class P — Instruction permit applicable to all types of vehicles for which an applicant
 122 desires a driver's license but is not presently licensed to drive.

123 (d) Any applicant for a Class E or Class F license must possess a valid Georgia driver's
 124 license for Class C vehicles. A license issued pursuant to this Code section shall not be a
 125 commercial driver's license."

126 SECTION 3.

127 Said chapter is further amended in Code Section 40-5-25, relating to applications, fees,
 128 waiver of fees, and provisions for voluntary participation in various programs, by revising
 129 subsection (a) as follows:

130 "(a) Every application for an instruction permit or for a driver's license shall be made upon
 131 a form furnished by the department. Every application shall be accompanied by the proper
 132 license fee. The fees shall be as established by the Board of Driver Services, not to exceed:

133	(1) For instruction permits for Classes C, E, F, and M drivers'	
134	licenses and for Class D drivers' licenses	\$ 10.00
135	(2) For five-year Classes C, E, F, and M noncommercial drivers'	
136	licenses	20.00
137	(2.1) For eight-year Classes C, E, F, and M noncommercial drivers'	
138	licenses	32.00
139	(3) For Classes A, B, C, and M commercial drivers' licenses	20.00
140	(4) For application for Classes A, B, C, and M commercial drivers'	
141	licenses or a Class P commercial driver's instruction permit	35.00
142	(5) <u>(4)</u> For Class P commercial drivers' instruction permits for	
143	Classes A, B, C, and M commercial drivers' licenses	10.00
144	(6) <u>(5)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
145	drivers' licenses, initial issuance requiring a road test	70.00
146	<u>(5.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
147	<u>licenses, initial issuance requiring a road test</u>	<u>82.00</u>
148	(7) <u>(6)</u> For <u>up to five year</u> Classes A, B, C, and M commercial	
149	drivers' licenses, initial issuance not requiring a road test	20.00
150	<u>(6.1) For eight-year Classes A, B, C, and M commercial drivers'</u>	
151	<u>licenses, initial issuance not requiring a road test</u>	<u>32.00</u>
152	(8) <u>(7)</u> For renewal of <u>up to five year</u> Classes A, B, C, and M	
153	commercial drivers' licenses	20.00
154	<u>(7.1) For renewal of eight-year Class A, B, C, and M commercial</u>	
155	<u>drivers' licenses</u>	<u>32.00</u>
156	(8.1) <u>(7.2)</u> For renewal of five-year <u>up to five year</u> Classes C, E, F,	
157	and M noncommercial drivers' licenses	20.00
158	(8.2) <u>(7.3)</u> For renewal of eight-year Classes C, E, F, and M	
159	noncommercial drivers' licenses	32.00
160	(9) <u>(8)</u> Initial issuance of Classes A, B, C, and M commercial	
161	drivers' licenses and Class P commercial drivers' instruction permits	
162	shall include all endorsement fees within the license fee. Each	
163	endorsement added after initial licensing	5.00

164 The commissioner may by rule provide incentive discounts in otherwise applicable fees
 165 reflecting cost savings to the department where a license is renewed by means other than
 166 personal appearance. The discount for renewal of a Class C or Class M license and any
 167 other discounts shall be as determined by the commissioner. Except as provided in Code
 168 Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to

169 application fees for public school bus drivers, there shall be no exceptions to the fee
 170 requirements for a commercial driver's license or a commercial driver's license permit.
 171 Notwithstanding any other provision of this Code section, there shall be no fee whatsoever
 172 for replacement of any driver's license solely due to a change of the licensee's name or
 173 address, provided that such replacement license shall be valid only for the remaining period
 174 of such original license; and provided, further, that only one such free replacement license
 175 may be obtained within the period for which the license was originally issued. Any
 176 application for the replacement of a lost license pursuant to Code Section 40-5-31 or due
 177 to a change in the licensee's name or address submitted within 150 days of the expiration
 178 of said license shall be treated as an application for renewal subject to the applicable
 179 license fees as set forth in this subsection. The maximum period for which any driver's
 180 license shall be issued is eight years."

181 **SECTION 4.**

182 Said chapter is further amended in Code Section 40-5-53, relating to when courts shall send
 183 licenses and reports of convictions to the department, destruction of license by the
 184 department, and issuance of new license upon satisfaction of certain requirements, by
 185 revising paragraph (4) of subsection (b) as follows:

186 "(4) Any report of any conviction ~~for a violation of Article 7 of this chapter~~, regardless
 187 of the date such report of conviction is received by the department, shall be considered
 188 for purposes of disqualifying a person's commercial driver's license, commercial driver
 189 instruction permit, or commercial driving privileges in accordance with Code Section
 190 40-5-151."

191 **SECTION 5.**

192 Said chapter is further amended in Code Section 40-5-100, relating to authorization to issue
 193 identification cards, contents of such cards, prohibition on possession of more than one card,
 194 application and renewal of cards, and dissemination of information regarding voluntary
 195 programs, by revising subsection (c) as follows:

196 "(c)(1) No person may possess more than one identification card issued pursuant to this
 197 Code section; provided, however, that this subsection shall not be construed to prevent
 198 a ~~resident of this state who possesses~~ person issued a driver's license, instruction permit,
 199 or limited driving permit pursuant to this title from also possessing an identification card
 200 issued under this article.

201 (2)(A) Any person who applies for an identification card shall indicate on such
 202 application whether he or she is in possession of any other valid identification card,

203 driver's license, instruction permit, or limited driving permit issued pursuant to this title
 204 or by any other jurisdiction.

205 (B) Except as provided in paragraph (3) of this subsection, each applicant for an
 206 identification card shall surrender to the department any valid identification card ~~or,~~
 207 driver's license, instruction permit, or limited driving permit previously issued pursuant
 208 to this title or by any other state and any identification card previously issued by this
 209 state jurisdiction. The department shall physically mark any surrendered identification
 210 card, driver's license, instruction permit, or limited driving permit in a manner which
 211 makes it apparent that such card, license, or permit is no longer valid and return the
 212 card, license, or permit to such person.

213 (C) The department shall issue a receipt to a person eligible to be issued an
 214 identification card pursuant to the requirements of this title. Such receipt may be used
 215 as proof of issuance until the person has received his or her permanent identification
 216 card.

217 (D) If a surrendered identification card, driver's license, instruction permit, or limited
 218 driving permit was issued by another jurisdiction, the department shall forward the
 219 surrendered card, license, or permit information to the previous jurisdiction.

220 (3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant
 221 to the requirements of this ~~chapter~~ title and is in possession of an identification card or
 222 driver's license issued by a foreign jurisdiction may be issued an identification card
 223 without surrendering any ~~driver's license or identification card previously issued to him~~
 224 ~~or her by any foreign jurisdiction~~ the foreign driver's license or identification card. This
 225 exemption shall not apply to a person who is required to terminate any previously
 226 issued identification card pursuant to federal law.

227 (B) The department shall make a notation on the driving record of any person who
 228 retains a foreign identification card or driver's license, and this information shall be
 229 made available to law enforcement officers and agencies on such person's driving
 230 record through the Georgia Crime Information Center.

231 ~~(4) Willful failure to surrender any such previous driver's license or personal~~
 232 ~~identification card upon application for a new personal identification card will be~~
 233 ~~considered an act of fraud and upon conviction be punished as provided for in Code~~
 234 ~~Section 40-5-125."~~

235 SECTION 6.

236 Said chapter is further amended in Code Section 40-5-103, relating to fees and issuance
 237 periods for identification cards, exceptions for veterans' or honorary licenses, and application
 238 and renewal of an identification card, by revising subsection (a) as follows:

239 "(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code
 240 section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~
 241 \$32.00 for an eight-year card, which fee shall be deposited in the state treasury in the same
 242 manner as other motor vehicle driver's license fees."

243 **SECTION 6A.**

244 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the Uniform
 245 Rules of the Road, is amended in Code Section 40-6-311, relating to manner of riding a
 246 motorcycle, by revising subsection (b) as follows:

247 "(b) A person shall ride upon a motorcycle equipped with handlebars for directional
 248 control only while by sitting astride the seat, facing forward, and with one leg on either side
 249 of the motorcycle."

250 **SECTION 7.**

251 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 252 of Driver Services, is amended in Code Section 40-16-5, relating to authority of the
 253 commissioner, by adding a new subsection to read as follows:

254 "(g)(1) The commissioner may contract with a debt collection agency or attorney doing
 255 business within or outside this state for the collection of delinquent fees owed to the
 256 department pursuant to this title. Such contract may provide for the rate of payment and
 257 the manner in which compensation for debt collection services shall be paid. The
 258 compensation, fees, and expenses for such debt collection may be added to the amount
 259 of the delinquent fees owed and may be collected directly by the contractor from the
 260 debtor. The commissioner is authorized to provide such contractor with the necessary
 261 information regarding the delinquent fees and debtor for the collection of the fees owed.
 262 (2) No delinquent fees may be collected pursuant to paragraph (1) of this subsection
 263 from a person not subject to a license suspension or cancellation pursuant to this title.
 264 (3) The commissioner may adopt rules and regulations to carry out the provisions of this
 265 subsection."

266 **SECTION 8.**

267 (a) This Act shall become effective on July 1, 2017, except as otherwise provided in
 268 subsection (b) of this section.

269 (b) Subsection (c) of Code Section 40-5-20 as amended by Section 1 of this Act and
 270 subsection (c) of Code Section 40-5-100 as amended by Section 5 of this Act shall become
 271 effective on July 1, 2018.

272 **SECTION 9.**
273 All laws and parts of laws in conflict with this Act are repealed.