

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 114:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 drivers' licenses, so as to provide for the use of paper eye charts for the testing of  
3 noncommercial driver's vision; to provide for notice of certain information from the  
4 department to be sent by first-class mail; to provide for the issuance of limited driving  
5 permits to noncommercial drivers in certain instances; to provide for a waiver of the  
6 application fee for instruction permits in certain instances; to allow photographs on drivers'  
7 licenses and identification cards to be in black and white; to provide for the conditions under  
8 which limited driving permits shall be issued; to clarify requirements for notices of  
9 suspension of drivers' licenses; to provide for related matters; to provide for effective dates;  
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
14 is amended in Code Section 40-5-21, relating to persons exempt from driver's license  
15 requirements, by revising paragraph (11) of subsection (a) as follows:

16 "(11) Any resident who is 15 years of age or over while taking actual in-car training in  
17 a training vehicle other than a commercial motor vehicle under the direct personal  
18 supervision of a driving instructor when such driving instructor and training vehicle are  
19 licensed by the department in accordance with the provisions of Chapter 13 of Title 43,  
20 'The Driver Training School License Act.' As used in the previous sentence, the term  
21 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142.  
22 All vehicles utilized for the in-car training authorized under this paragraph shall be  
23 equipped with dual controlled brakes and shall be marked with signs in accordance with  
24 the rules of the department clearly identifying such vehicles as training cars belonging  
25 to a licensed driving school. A driving instructor shall test the eyesight of any unlicensed  
26 person who will be receiving actual in-car training prior to commencement of such

27 training, and no unlicensed driver shall receive in-car training unless such person has at  
 28 least the visual acuity and horizontal field of vision as is required for issuance of a  
 29 driver's license in subsection (c) of Code Section 40-5-27; and"

30

### SECTION 2.

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

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

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

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

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

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

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

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

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

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

59

### SECTION 3.

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

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

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

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

83 **SECTION 4.**

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

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

92 **SECTION 5.**

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

95 "(a) Except as provided in subsection (c) of this Code section, the department shall, upon  
 96 payment of the required fee, issue to every applicant qualifying therefor a driver's license

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

108

### SECTION 6.

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

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

121

### SECTION 7.

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

124 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,  
 125 the department shall suspend the driver's license or privilege to operate a motor vehicle in  
 126 this state of any person who has failed to respond to a citation to appear before a court of  
 127 competent jurisdiction in this state or in any other state for a traffic violation other than a  
 128 parking violation. Such suspension shall be effective on the twenty-ninth calendar day  
 129 following notice to the department from the court of such person's failure to appear. The  
 130 department shall include language in the uniform traffic citation stating that failure to  
 131 appear and respond to such citation shall result in the suspension of the violator's driver's

132 license or nonresident driving privilege on the twenty-ninth calendar day following notice  
 133 to the department from the court of his or her failure to appear. The language reflected on  
 134 a uniform traffic citation issued in this state shall be ~~sufficient notice of said suspension~~  
 135 deemed conclusively to be legal notice to such driver of the suspension of his or her  
 136 driver's license and shall be deemed to satisfy all notice requirements of law, and no further  
 137 notice to the driver shall be required for the suspension provided for in this Code section.  
 138 Such notice shall be sufficient to support a conviction for a violation of Code Section  
 139 40-5-121 if such person drives subsequent to the imposition of such a suspension following  
 140 his or her failure to appear and before complying with the reinstatement provisions in  
 141 subsection (b) of this Code section. Notwithstanding the foregoing, the department shall  
 142 send notice of any suspension imposed pursuant to this Code section. ~~Such notice shall be~~  
 143 ~~sent via certified~~ via first-class mail to the address reflected on its records as the person's  
 144 mailing address. ~~Proof of receipt of said notice shall be admissible to support a conviction~~  
 145 ~~for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition~~  
 146 ~~of such a suspension following his or her failure to appear."~~

147 **SECTION 8.**

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

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

165 (b) The driver's license of any person under 18 years of age who has accumulated a  
 166 violation point count of four or more points under Code Section 40-5-57 in any consecutive  
 167 12 month period shall be suspended by the department as provided by subsection (c) of this

168 Code section. A plea of nolo contendere shall be considered a conviction for purposes of  
 169 this subsection. Notice of suspension shall be given by certified first-class mail or statutory  
 170 overnight delivery, return receipt requested, ~~to the address reflected in the department's~~  
 171 records as the driver's mailing address or, in lieu thereof, notice may be given by personal  
 172 service upon such person. ~~Such license shall be surrendered within ten days of notification~~  
 173 ~~of such suspension.~~ Notice given by certified mail or statutory overnight delivery, return  
 174 receipt requested, mailed to the person's last known address shall be prima-facie evidence  
 175 that such person received the required notice.

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

178 (1) Subject to the requirements of subsection ~~(e)~~(d) of this Code section and except as  
 179 otherwise provided by paragraph (2) of this subsection:

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

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

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

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

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

202 ~~(b.1)~~(c.1) In any case where a person's driver's license was administratively suspended as  
 203 a result of a violation of Code Section 40-6-391 for which the person's driver's license has  
 204 been suspended pursuant to subsection (c) of this Code section, the administrative license

205 suspension period and the license suspension period provided by this Code section may run  
 206 concurrently, and any completed portion of such administrative license suspension period  
 207 shall apply toward completion of the license suspension period provided by this Code  
 208 section.

209 ~~(e)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section  
 210 for commission of any offense other than violation of Code Section 40-6-391 shall not  
 211 become valid and shall remain suspended until such person submits proof of completion  
 212 of a defensive driving course approved by the commissioner pursuant to Code Section  
 213 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under  
 214 subsection (a) of this Code section for commission of a violation of Code Section  
 215 40-6-391 shall not become valid and shall remain suspended until such person submits  
 216 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the  
 217 applicable reinstatement fee.

218 (2) The reinstatement fee for a first such suspension shall be \$210.00 or \$200.00 if paid  
 219 by mail. The reinstatement fee for a second or subsequent such suspension shall be  
 220 \$310.00 or \$300.00 if paid by mail.

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

223

#### SECTION 9.

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

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

- 232 (1) Going to his or her place of employment or performing the normal duties of his or  
 233 her occupation;
- 234 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 235 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 236 (4) Attending regularly scheduled sessions or meetings of support organizations for  
 237 persons who have addiction or abuse problems related to alcohol or other drugs, which  
 238 organizations are recognized by the commissioner;

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

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

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

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

247 (1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code  
 248 section shall not apply and shall not be considered for purposes of granting a limited  
 249 driving permit or imposing conditions thereon under this Code section in the case of a  
 250 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section  
 251 40-5-22.

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

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

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

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

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

262 **SECTION 10.**

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

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

272 (1) Full legal name;

273 (2) Address of residence;

274 (3) Birth date;

- 275 (4) Date identification card was issued;  
 276 (5) Sex;  
 277 (6) Height;  
 278 (7) Weight;  
 279 (8) Eye color;  
 280 (9) Signature of person identified or facsimile thereof; and  
 281 (10) Such other information or identification as required by the department; provided,  
 282 however, that the department shall not require an applicant to submit or otherwise obtain  
 283 from an applicant any fingerprints or any other biological characteristic or information  
 284 which uniquely identifies an individual, including without limitation deoxyribonucleic  
 285 acid (DNA) and retinal scan identification characteristics but not including a photograph,  
 286 by any means upon application."

287 **SECTION 11.**

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

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

- 293 (1) The full legal name and residential address of the person;  
 294 (2) The person's ~~color~~ photograph;  
 295 (3) A physical description of the person, including sex, height, weight, and eye color;  
 296 (4) Full date of birth;  
 297 (5) The license number or identifier assigned by the department;  
 298 (6) The person's signature;  
 299 (7) The class or type of commercial motor vehicle or vehicles which the person is  
 300 authorized to drive, together with any endorsements or restrictions;  
 301 (8) The name of this state; and  
 302 (9) The dates between which the license is valid."

303 **SECTION 12.**

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

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

- 310 (1) Full legal name;  
 311 (2) Address of residence;  
 312 (3) Birth date;  
 313 (4) Date identification card was issued;  
 314 (5) Date identification card expires;  
 315 (6) Sex;  
 316 (7) Height;  
 317 (8) Weight;  
 318 (9) Eye color;  
 319 (10) Signature of person identified or facsimile thereof; and  
 320 (11) Such other information as required by the department; provided, however, that the  
 321 department shall not require an applicant to submit or otherwise obtain from an applicant  
 322 any fingerprints or any other biological characteristic or information which uniquely  
 323 identifies an individual, including without limitation deoxyribonucleic acid (DNA) and  
 324 retinal scan identification characteristics but not including a photograph, by any means  
 325 upon application."

326 **SECTION 13.**

327 Said chapter is further amended in Code Section 40-5-121, relating to driving while license  
 328 is suspended or revoked, by adding a new subsection to read as follows:

329 "(e) When a license or nonresident driving privilege has been suspended pursuant to Code  
 330 Section 40-5-56, proof that a driver acknowledged service and receipt of a copy of a  
 331 uniform traffic citation at the time it was issued shall be deemed conclusively to be legal  
 332 notice to such driver of the suspension of his or her driver's license or nonresident driving  
 333 privilege on the twenty-ninth calendar day following notice to the department from the  
 334 court of his or her failure to appear and shall be deemed to satisfy all notice requirements  
 335 of law. Such proof shall be sufficient to support a conviction for a violation of this Code  
 336 section if such person drives subsequent to the imposition of a suspension under Code  
 337 Section 40-5-56 and before complying with the reinstatement provisions in subsection (b)  
 338 of Code Section 40-5-56."

339 **SECTION 14.**

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

343 "(a)(1) In any case where the court grants a certificate of eligibility for an ignition  
 344 interlock device limited driving permit or probationary license pursuant to Code Section

345 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph  
346 ~~(b)(c)~~(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section  
347 40-5-63, the Department of Driver Services shall not issue an ignition interlock device  
348 limited driving permit until after the expiration of 120 days from the date of the  
349 conviction for which such certificate was granted."

350 **SECTION 15.**

351 This Act shall become effective on July 1, 2015, except for Sections 7 and 13 which shall  
352 become effective on July 1, 2016.

353 **SECTION 16.**

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