

House Bill 1518

By: Representatives Lim of the 98<sup>th</sup>, Lupton of the 83<sup>rd</sup>, and Clark of the 108<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-6-11 of the Official Code of Georgia Annotated, relating to  
2 issuance of uniform traffic citation, failure to appear or dispose of charges, and examination  
3 of driver's license at motor vehicle accident scene for organ donor designation, so as to  
4 provide for notice upon the change of date, time, or location for required court appearance  
5 from that listed upon a uniform traffic citation; to provide for additional notice prior to orders  
6 of license suspension for failure to appear in certain instances; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 17-6-11 of the Official Code of Georgia Annotated, relating to issuance of  
11 uniform traffic citation, failure to appear or dispose of charges, and examination of driver's  
12 license at motor vehicle accident scene for organ donor designation, is amended by revising  
13 subsections (a) and (b) as follows:

14 "(a)(1) When an individual is apprehended by an officer for the violation of the laws of  
15 this state or ordinances relating to the offenses listed in paragraph (2) of this subsection,

16 he or she may display his or her driver's license and be issued a uniform traffic citation  
17 in lieu of being:

18 (A) Brought before the proper magistrate or other judicial officer with jurisdiction over  
19 the matter;

20 (B) Incarcerated;

21 (C) Ordered to post a bond; or

22 (D) Ordered a recognizance for his or her appearance for trial.

23 (2) This subsection shall apply to any violation:

24 (A) Of Title 40 except any offense:

25 (i) For which a driver's license may be suspended for a first offense by the  
26 commissioner of driver services;

27 (ii) Covered under Code Section 40-5-54; or

28 (iii) Covered under Article 15 of Chapter 6 of Title 40;

29 (B) Involving the width, height, and length of vehicles and loads;

30 (C) Involving motor common carriers and motor contract carriers;

31 (D) Involving hazardous materials transportation; or

32 (E) Involving road taxes on motor carriers as provided in Article 2 of Chapter 9 of Title  
33 48.

34 (3) The apprehending officer shall include the individual's driver's license number on the  
35 uniform traffic citation. When an apprehending officer issues a citation based on  
36 information received from another law enforcement officer who observed the offense  
37 being committed, the citation shall list the name of each officer. The uniform traffic  
38 citation, duly served as provided in this Code section, shall give the judicial officer  
39 jurisdiction to dispose of the matter.

40 (4) Upon display of the driver's license, the apprehending officer shall release the  
41 individual so charged for his or her further appearance before the proper judicial officer  
42 with jurisdiction over the matter as required by the uniform traffic citation.

43 (5) When the scheduled court appearance stated on a uniform traffic citation is changed  
44 by the judicial officer with jurisdiction over the matter, the clerk of court for such  
45 jurisdiction shall notify the accused by first-class mail or by postcard at the address listed  
46 on the uniform traffic citation of the new date, time, and location required for his or her  
47 appearance to dispose of the matter. Such notification shall be sent no later than 15 days  
48 prior to the date which appeared on the uniform traffic citation as the date required for  
49 appearance by the accused.

50 (b)(1)(A) When a uniform traffic citation is issued and if the accused fails to appear for  
51 court or otherwise dispose of his or her charges before his or her scheduled court  
52 appearance as stated on the uniform traffic citation, prior to the court issuing a bench  
53 warrant, the clerk of court shall notify the accused by first-class mail or by postcard at  
54 the address listed on the uniform traffic citation of his or her failure to appear. Such  
55 notice shall be dated and allow the accused 30 days from such date to dispose of his or  
56 her charges or waive arraignment and plead not guilty. If after the expiration of such  
57 30 day period the accused fails to dispose of his or her charges or waive arraignment  
58 and plead not guilty, the clerk of court in which the charges are lodged shall, within five  
59 days of such date, forward to the Department of Driver Services the accused's driver's  
60 license number unless otherwise ordered by the court.

61 (B) When a uniform traffic citation is issued and if the accused fails to appear for court  
62 or otherwise dispose of his or her charges before his or her scheduled court appearance  
63 as stated upon the notification from the clerk of court pursuant to paragraph (5) of  
64 subsection (a) of this Code section, prior to the court issuing a bench warrant, the clerk  
65 of court shall notify the accused by first-class mail or by postcard at the address listed  
66 on the uniform traffic citation of his or her failure to appear. Such notice shall be dated  
67 and allow the accused 30 days from such date to dispose of his or her charges or waive  
68 arraignment and plead not guilty. If after the expiration of such 30 day period the  
69 accused fails to dispose of his or her charges or waive arraignment and plead not guilty,

70 the clerk of court in which the charges are lodged shall send a second notice to the  
71 accused by first-class mail or by postcard at the address listed on the uniform traffic  
72 citation of his or her failure to appear. Such second notice shall be dated and allow the  
73 accused 30 days from such date to dispose of his or her charges or waive arraignment  
74 and plead not guilty. If after the expiration of the additional 30 day period, the accused  
75 again fails to dispose of his or her charges or waive arraignment and plead not guilty,  
76 the clerk of court in which the charges are lodged shall, within five days of such date,  
77 forward to the Department of Driver Services the accused's driver's license number  
78 unless otherwise ordered by the court.

79 (C) The commissioner of driver services shall, upon receipt of ~~such~~ a driver's license  
80 number pursuant to this paragraph, suspend such accused's driver's license and driving  
81 privilege until notified by the clerk of court that such driver's license is to be reinstated.  
82 Such accused's driver's license shall be reinstated when the accused has scheduled a  
83 new date to appear before the court; has appeared in court for a hearing, arraignment,  
84 or waiver of arraignment and entry of a plea; or the charge against the accused has been  
85 finally adjudicated and the Department of Driver Services receives notice to reinstate  
86 the license by the court and the accused individual pays to the Department of Driver  
87 Services the applicable restoration fee as set forth in Code Section 40-5-56, unless such  
88 fee is waived by the court or otherwise as provided by law.

89 (2)(A) The scheduling of a new date to appear before the court for disposition of a  
90 uniform traffic citation shall not be conditioned upon payment of any fee for a previous  
91 failure to appear.

92 (B) After the clerk of court has notified the Department of Driver Services of a license  
93 reinstatement based upon a newly scheduled date for an accused to appear before the  
94 court pursuant to paragraph (1) of this subsection, when the accused requests, for a  
95 second or subsequent time, a new date for disposition of the same uniform traffic  
96 citation, the court may forward to the Department of Driver Services the accused's

97 driver's license number. The commissioner of driver services shall suspend such  
98 accused's driver's license and driving privilege until notified by the clerk of court that  
99 the driver's license of the accused is to be reinstated. Nothing in this subsection shall  
100 require a clerk of court to suspend the driver's license of an accused who schedules a  
101 second or subsequent new date for disposition of the same uniform traffic citation  
102 pursuant to this subparagraph.

103 (C) When the accused fails, for a second or subsequent time, to appear for court or  
104 otherwise dispose of his or her charges before his or her newly scheduled court  
105 appearance for disposition of the same uniform traffic citation, the court may forward  
106 to the Department of Driver Services the accused's driver's license number. The  
107 commissioner of driver services shall suspend such accused's driver's license and  
108 driving privilege until notified by the clerk of court that the driver's license of the  
109 accused is to be reinstated. Nothing in this subsection shall require a clerk of court to  
110 suspend the driver's license of an accused who fails to appear for court pursuant to this  
111 subparagraph.

112 (D) Nothing in this subsection shall prevent a court from establishing a policy or  
113 practice, by standing order or otherwise, to reinstate such accused driver's license.

114 (E) Any notification to suspend or reinstate such accused driver's license and driving  
115 privileges shall be compliant with procedures established by the Department of Driver  
116 Services.

117 (3) This subsection shall not apply to any violation of Title 40:

118 (A) For which a driver's license may be suspended for a first offense by the  
119 commissioner of driver services;

120 (B) Covered under Code Section 40-5-54; or

121 (C) Covered under Article 15 of Chapter 6 of Title 40."

122

**SECTION 2.**

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