

House Bill 806 (AS PASSED HOUSE AND SENATE)

By: Representatives Tanner of the 9th, Tankersley of the 160th, Epps of the 144th, Caldwell of the 131st, and Rice of the 95th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the Georgia Driver's Education Commission, so as to transfer such commission
3 from the Department of Driver Services to the Governor's Office of Highway Safety; to
4 extend the sunset applicable to penalties for violations of traffic laws or ordinances; to amend
5 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department
6 of Public Safety, so as to revise provisions for the off-duty use of motor vehicles by certain
7 law enforcement officers of the department relative to approved off-duty employment; to
8 amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers'
9 licenses, so as to provide for the expiration of certain licenses and identification cards issued
10 by the Department of Driver Services; to provide for the suspension of a driver's license upon
11 receipt of conviction reports from a court; to provide for multiple effective dates; to provide
12 for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
16 the Georgia Driver's Education Commission, is amended by revising Code Section
17 15-21-172, relating to the establishment of such commission, as follows:

18 "15-21-172.

19 There is established the Georgia Driver's Education Commission, which is assigned to the
20 ~~Department of Driver Services~~ Governor's Office of Highway Safety for administrative
21 purposes only, as prescribed in Code Section 50-4-3."

22 SECTION 2.

23 Said article is further amended in Code Section 15-21-179, relating to additional penalty for
24 violation of traffic laws or ordinances, by revising subsection (c) as follows:

25 "(c) This Code section shall be repealed in its entirety on ~~June 30, 2016~~ June 30, 2019,
26 unless extended by an Act of the General Assembly."

27 **SECTION 3.**

28 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department
29 of Public Safety, is amended in Article 1 by adding a new Code section to read as follows:

30 "35-2-15.

31 (a)(1) Certified law enforcement officers employed by the department may use a
32 department motor vehicle while working an off-duty job if such job requires vested police
33 powers as a condition of employment, has been approved by the commissioner, and has
34 been determined by the commissioner to be in furtherance of the department's mission
35 and service to the state. Department motor vehicles used for off-duty employment shall
36 not be used at any political function.

37 (2) Except as otherwise provided for in this subsection, department motor vehicles shall
38 be used only in discharge of official duties.

39 (3) Any other equipment shall be used only with the express written approval of the
40 commissioner. The commissioner shall adopt rules and regulations governing the use of
41 equipment subject to approval of the Board of Public Safety.

42 (b) The commissioner, in his or her sole discretion, in granting approval for such off-duty
43 job in which a departmental motor vehicle is used, prior to the use of such vehicle, shall
44 determine whether the off-duty employer provided for in subsection (a) of this Code
45 section shall reimburse the department for use of the vehicle. When reimbursement is
46 required, such off-duty employer shall enter into a written agreement with the department
47 to pay an amount determined by the commissioner to be sufficient to reimburse the
48 department for the use of the vehicle and to pay the off-duty employee sufficient
49 compensation. Pursuant to such agreement, the department shall pay the employee of the
50 department the compensation earned on off-duty employment whenever such employee
51 performs such service in a department motor vehicle; provided, however, that such
52 compensation shall not be characterized as direct employment compensation but shall be
53 paid as services under contract.

54 (c) Employees of the department operating a department motor vehicle pursuant to this
55 Code section shall be deemed to be acting within the scope of their official duties and
56 employment within the meaning of Code Section 50-21-20, et seq., and the commissioner
57 of administrative services shall provide liability coverage for claims arising out of such use.
58 The commissioner shall adopt rules and regulations governing the use of equipment subject
59 to approval of the Board of Public Safety."

60 **SECTION 4.**

61 Said chapter is further amended by deleting in its entirety Code Section 35-2-56, relating to
 62 use of motor vehicles or other equipment by members of the Uniform Division, and
 63 designating such Code section as reserved.

64 **SECTION 5.**

65 Said chapter is further amended in Code Section 35-2-101, relating to relating to jurisdiction,
 66 duties and powers, use of dogs to detect controlled substances, and off-duty use vehicles, by
 67 deleting subsection (e) in its entirety.

68 **SECTION 6.**

69 Said chapter is further amended by deleting in its entirety Code Section 35-2-123, relating
 70 to use of vehicles by off-duty law enforcement officer, and designating such Code section
 71 as reserved.

72 **SECTION 7.**

73 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 74 is amended by revising Code Section 40-5-32, relating to expiration and renewal of licenses
 75 and reexamination requirements, as follows:

76 "40-5-32.

77 (a)(1) Except as otherwise provided in this Code section, every driver's license shall
 78 expire on the licensee's birthday in the ~~fifth~~ eighth year following the issuance of such
 79 license. Notwithstanding the foregoing, any commercial driver's license that contains an
 80 H or X endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire
 81 on the date of expiration of the licensee's security threat assessment conducted by the
 82 Transportation Security Administration of the United States Department of Homeland
 83 Security. ~~An applicant for a Class C, E, F, or M noncommercial driver's license who is~~
 84 ~~under age 60 shall at the applicant's option apply for a license which shall expire on the~~
 85 ~~licensee's birthday in the fifth or eighth year following the issuance of such license.~~
 86 ~~Every such license shall be renewed on or before its expiration upon application, payment~~
 87 ~~of the required fee, and, if applicable, satisfactory completion of the examination required~~
 88 ~~or authorized by subsection (c) of this Code section.~~

89 (2) Except as otherwise provided by subsection (c) of this Code section, every veteran's,
 90 ~~or honorary, or distinctive~~ license shall expire on the licensee's birthday in the eighth year
 91 following the issuance thereof ~~until the holder reaches age 65 and shall thereafter be~~
 92 ~~subject to renewal pursuant to paragraph (1) of this subsection on or before his or her~~
 93 ~~birthday every five years.~~ The department may allow a veteran, ~~or honorary, or~~

94 distinctive license holder to retain his or her expired veteran's, ~~or~~ honorary, or distinctive
 95 license as a souvenir.

96 (3) Every driver's license shall be renewed on or before its expiration date upon
 97 application, payment of the required fee, and, if applicable, satisfactory completion of the
 98 examination required by subsection (c) of this Code section. Nothing in this Code section
 99 shall be interpreted as affecting the rights and privileges of any person holding a
 100 veteran's, honorary, or distinctive license, or authorizing the imposition of a charge or fee
 101 for the issuance or renewal of such licenses.

102 (4) The commissioner shall issue such rules and regulations as are required to enforce
 103 this subsection.

104 (b) An application for driver's license renewal may be submitted by means of:

105 (1) Personal appearance before the department; or

106 (2) Subject to rules or regulations of the department which shall be consistent with
 107 considerations of public safety and efficiency of service to licensees, means other than
 108 such personal appearance which may include without limitation by mail or electronically.
 109 The department may by such rules or regulations exempt persons renewing drivers'
 110 licenses under this paragraph from the license surrender requirement of subsection (c) of
 111 Code Section 40-5-20.

112 (c)(1) The department shall require every person who is age 64 or older applying for
 113 issuance or renewal of a driver's license to take and pass successfully such test of his or
 114 her eyesight as the department shall prescribe.

115 (2) The commissioner may issue such rules and regulations as are necessary to
 116 implement this subsection."

117 SECTION 8.

118 Said chapter is further amended in Code Section 40-5-53, relating to reporting of convictions
 119 to the department, destruction of license by department, and requirements for issuance of
 120 new license in certain instances, by revising subsection (b) as follows:

121 "(b)(1) Every court in each county of this state having jurisdiction over offenses
 122 committed under this chapter and Chapter 6 of this title or any other law of this state or
 123 ordinance adopted by a local authority regulating the operation of motor vehicles on
 124 highways shall forward to the department, within ten days after the conviction of any
 125 person in such court for a violation of any such law other than regulations governing
 126 speeding in a noncommercial motor vehicle for which no points are assigned under Code
 127 Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of
 128 Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction
 129 of the reporting requirement of this subsection, the courts of this state shall transmit the

130 information contained on the uniform citation form by electronic means, using the
 131 electronic reporting method approved by the department. Subject to appropriations by
 132 the General Assembly, the department shall pay to the clerk of the court forwarding the
 133 required report 40¢ for each report transmitted electronically in a timely manner as
 134 required in this subsection; and notwithstanding any general or local law to the contrary,
 135 the clerk shall pay such fees over to the general fund of the city or county operating the
 136 court.

137 (2) Except as otherwise provided for in paragraphs (3) and (4) of this subsection, a report
 138 of any conviction received by the department two or more years after the date of final
 139 disposition shall be noted on a person's driving record and such conviction shall be made
 140 available in accordance with Code Sections 40-5-2 and 40-5-155. No such conviction
 141 shall result in the suspension of a driver's license as such term is defined in
 142 paragraph (17) of Code section 40-5-1, provided that the department determines that two
 143 or more years have elapsed since the date the driver's license was surrendered in
 144 accordance with the provisions set forth in subsection (e) of Code Section 40-5-61 and
 145 no new driver's license was subsequently issued.

146 (3) A report of any conviction for an offense covered under Code Section 40-5-54, or
 147 Code Sections 40-6-391 through 40-6-395, or violating a federal law or regulation or the
 148 law of any state or a valid municipal or county ordinance substantially conforming to any
 149 offense covered under Code Section 40-5-54 or Code Sections 40-6-391 through
 150 40-6-395, regardless of the date such report of conviction is received by the department,
 151 shall be considered for purposes of revoking a driver's license in accordance with Code
 152 Section 40-5-58.

153 (4) Any report of any conviction for a violation of Article 7 of this chapter, regardless
 154 of the date such report of conviction is received by the department, shall be considered
 155 for purposes of disqualifying a person's commercial driver's license, commercial driver
 156 instruction permit, or commercial driving privileges in accordance with Code Section
 157 40-5-151."

158 **SECTION 9.**

159 Said chapter is further amended in Code Section 40-5-100, relating to personal identification
 160 cards, by revising subsection (b) as follows:

161 "(b) The An identification card issued pursuant to this Code section shall be valid for a
 162 period of five or eight years, at the option of the applicant, and shall bear the signatures of
 163 the commissioner and the Governor, and shall bear an identification card number which
 164 shall not be the same as the social security number."

165 **SECTION 10.**

166 Said chapter is further amended in Code Section 40-5-150, relating to contents of license,
167 classifications, endorsements, and restrictions, by revising subsection (g) as follows:

168 "(g) Except as provided for in Code Section 40-5-21.1, the commercial driver's license
169 shall expire on the licensee's birthdate in the ~~fifth~~ eighth year following the issuance of
170 such license."

171 **SECTION 11.**

172 Said chapter is further amended in Code Section 40-5-172, relating to identification cards for
173 persons with disabilities, by revising subsection (a) as follows:

174 "(a) ~~The~~ An identification card for persons with disabilities shall be issued to a person with
175 a permanent disability for a period of ~~five~~ eight years and shall be renewable on the
176 applicant's birthday in the ~~fourth~~ seventh year following such issuance. Such identification
177 cards shall be issued to persons:

- 178 (1) With obvious permanent disabilities without further verification of disability; and
179 (2) With disabilities which are not obvious upon presentation of the current sworn
180 affidavit of at least one medical doctor attesting to such permanent disability. A current
181 affidavit shall be presented at each request for renewal."

182 **SECTION 12.**

183 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
184 law without such approval, except as otherwise provided in subsection (b) of this section.

185 (b) Subsection (b) of Code Section 40-5-53 as amended by Section 8 of this Act shall
186 become effective on January 1, 2017.

187 **SECTION 13.**

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