

Senate Bill 353

By: Senators Thompson of the 14th, Dugan of the 30th, Beach of the 21st, Albers of the 56th, McNeill of the 3rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 17 and Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to criminal procedure and drivers' licenses, respectively, so as to provide for judicial
3 discretion in suspension of a driver's license upon failure to appear for certain traffic
4 violations; to provide for the waiver of restoration fees by order of the court; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
9 amended in Code Section 17-6-11, relating to display of driver's license for violation of
10 certain traffic related laws, notice of failure to appear, suspension of license, arrest, and
11 seizure of license, by revising subsection (b) as follows:

12 "(b)(1) When a uniform traffic citation is issued and if the accused fails to appear for
13 court or otherwise dispose of his or her charges before his or her scheduled court
14 appearance as stated on the uniform traffic citation, prior to the court issuing a bench
15 warrant, the clerk of court shall notify the accused by first-class mail or by postcard at the
16 address listed on the uniform traffic citation of his or her failure to appear. Such notice

17 shall be dated and allow the accused 30 days from such date to dispose of his or her
18 charges or waive arraignment and plead not guilty. If after the expiration of such 30 day
19 period the accused fails to dispose of his or her charges or waive arraignment and plead
20 not guilty, the clerk of court in which the charges are lodged shall, within five days of
21 such date, forward to the Department of Driver Services the accused's driver's license
22 number unless otherwise ordered by the court. The commissioner of driver services shall,
23 upon receipt of such driver's license number, suspend such accused's driver's license and
24 driving privilege until notified by the clerk of court that the charge against the accused
25 has been finally adjudicated or the court has ordered such accused driver's license to be
26 reinstated. Such accused's driver's license shall be reinstated when ~~he or she submits the~~
27 Department of Driver Services receives proof of the final adjudication and or order of
28 reinstatement by the court and the accused individual pays to the Department of Driver
29 Services a ~~restoration fee of \$50.00 or \$25.00 when such reinstatement is processed by~~
30 mail the applicable restoration fee as set forth in Code Section 40-5-56, unless such fee
31 is waived by the court or otherwise as provided by law.

32 (2) This subsection shall not apply to any violation of Title 40:

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

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

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

37 **SECTION 2.**

38 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
39 is amended by revising Code Section 40-5-56, relating to suspension of license or driving
40 privilege for failure to respond to citation and reinstatement of license, as follows:

41 "40-5-56.

42 (a) Notwithstanding any other provisions of this chapter or any other law to the contrary
43 and unless otherwise ordered by the court, the department shall suspend the driver's license
44 or privilege to operate a motor vehicle in this state of any person who has failed to respond
45 to a citation to appear before a court of competent jurisdiction in this state or in any other
46 state for a traffic violation other than a parking violation. The department shall include
47 language in the uniform traffic citation stating that failure to appear and respond to such
48 citation ~~shall~~ may result in the suspension of the violator's driver's license or nonresident
49 driving privilege. The language reflected on a uniform traffic citation issued in this state
50 shall be sufficient notice of said suspension to support a conviction for a violation of Code
51 Section 40-5-121 if such person drives subsequent to the imposition of such a suspension
52 following his or her failure to appear; provided, however, that the department shall send
53 notice of any suspension imposed pursuant to this Code section via certified mail or
54 certificate of mailing to the address reflected on its records as the person's mailing address.
55 For purposes of this subsection, the term 'certificate of mailing' means a delivery method
56 utilized by the United States Postal Service which provides evidence that an item has been
57 sent and the date such item was accepted.

58 (b) The suspension provided for in this Code section shall be for an indefinite period until
59 such person shall respond and pay any fines and penalties imposed or the court orders such
60 person's driver's license be reinstated. Such person's license shall be reinstated ~~if the~~
61 ~~person submits proof of payment of the fine from the court of jurisdiction and pays a~~ when
62 the department receives proof of payment of any fines and penalties or order of
63 reinstatement by the court and the person pays the applicable restoration fee of \$100.00 or
64 \$90.00 when such reinstatement is processed by mail to the department, unless such fee is
65 waived by the court or otherwise as provided by law. Such suspension shall be in addition
66 to any other suspension or revocation provided for in this chapter."

67

SECTION 3.

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