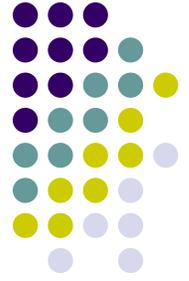




## 2009 Legislative Update

# 2009 Legislation



- Copies of all bills are available on the General Assembly's website:

[www.legis.state.ga.us](http://www.legis.state.ga.us)



## House Bill 2

- Requires all public employers to verify employment eligibility of all new employees. Employers will be required to post their user ID's on their websites.
- Contractors providing physical performance of services for the state must also verify employment eligibility of all new employees and subcontractors.



## House Bill 2 (cont'd)

- Jails must determine nationality of anyone confined (in accordance with Vienna Convention).
- All governmental entities must verify the lawful presence of any applicant for public benefits.
- Effective January 1, 2010.



# House Bill 71

- Amends O.C.G.A. §16-9-4 to provide that it is not a defense to a charge of manufacturing, possessing, etc. false identity documents if the card states that it is a novelty or other words indicating that the card is not a legitimate form of identification.
- Effective October 1, 2009.



# House Bill 160

- Governor's "Super-Speeder" Bill to raise funds to support trauma care
- Increases reinstatement fees for many suspensions, including the following:

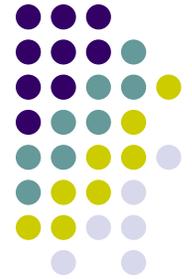
|                                |                     |   |
|--------------------------------|---------------------|---|
| Under 16 DUI and drug offenses | O.C.G.A. §40-5-22.1 | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> +: \$310.00 |
| License restriction violations | O.C.G.A. §40-5-30   | From \$0.00 to \$210.00                                   |
| Failure to appear              | O.C.G.A. §40-5-56   | From \$35.00 to \$100.00                                  |



# House Bill 160 (cont'd)

- Suspension fee increases (cont'd):

|                       |                     |  |
|-----------------------|---------------------|--|
| TAADRA                | O.C.G.A. §40-5-57.1 | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> +: \$310.00                              |
| HV revocations        | O.C.G.A. §40-5-58   | \$410.00   |
| Insurance convictions | O.C.G.A. §40-5-70   | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> +: \$310.00                              |
| VGCSA convictions     | O.C.G.A. §40-5-75   | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> : \$310.00<br>3 <sup>rd</sup> : \$410.00 |



# House Bill 160 (cont'd)

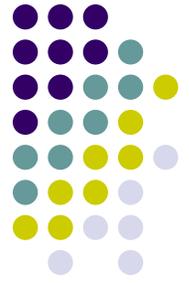
- Suspension fee increases (cont'd):

|  |                    |  |
|--|--------------------|--|
| 2nd Mandatory and<br>2 <sup>nd</sup> /3 <sup>rd</sup> Points | O.C.G.A. §40-5-84  | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> : \$310.00<br>3 <sup>rd</sup> : \$410.00 |
| Driving on suspended<br>license                              | O.C.G.A. §40-5-121 | 1 <sup>st</sup> : \$210.00<br>2 <sup>nd</sup> : \$310.00<br>3 <sup>rd</sup> : \$410.00 |



## House Bill 160 (cont'd)

- Language was added to O.C.G.A. §40-6-187 to require that all speeding charges must indicate if the offense occurred on a two-lane road.
- DDS will be making additional changes to the UTC to accommodate this requirement.



## House Bill 160 (cont'd)

- The bill also enacted a new code section, O.C.G.A. §40-6-189 that imposes the “Super-Speeder” penalties, which include the following:
  - DDS must impose a fee of \$200.00 on any driver who is convicted of driving at a speed of 85 miles per hour or more on any road or highway or 75 miles per hour or more on any two-lane road or highway, as defined in Code Section 40-6-187.



## House Bill 160 (cont'd)

- Failure to pay the Super-Speeder fee within 90 days after receipt of the notice will result in the suspension of the person's driver's license or driving privileges.
- Reinstatement will be of indefinite duration until the person pays the Super-Speeder fee and a reinstatement fee of \$50.00.



## House Bill 160 (cont'd)

- The reinstatement fee increases go into effect on July 1, 2009.
- The Super-Speeder fee goes into effect on January 1, 2010.



# House Bill 245

- Amends O.C.G.A. §15-11-66(b) to modify the maximum number of days that a juvenile court can order a child to be held in a YDC upon an adjudication of delinquency.
- This bill was effective upon the Governor's signature on April 21, 2009.



# House Bill 549

- Amends O.C.G.A. §21-2-231 to require Superior Court Clerks to submit monthly lists to Secretary of State identifying jurors who appear for service but deny United States citizenship.
- Effective January 1, 2010.



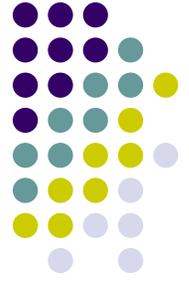
## House Bill 549 (cont'd)

- Also amends O.C.G.A. §40-5-2 to allow DDS to expand the amount of data provided to counties and AOC for creating jury lists.
- This bill was effective upon the Governor's signature on April 30, 2009.



# Senate Bill 44

- Directs governmental entities to give preference to materials made in Georgia whenever making procurement decisions, though geographic preference should not outweigh decisions relative to quality.
- Particularly applies to contracts exceeding \$100,000.00
- Effective July 1, 2009.



# Senate Bill 86

- Requires proof of citizenship along with an application to register to vote
- Acceptable documents include the following:
  - Driver's license or identification card
  - Birth certificate
  - United States passport
  - Naturalization documents
  - Other immigration documents



## Senate Bill 86 (cont'd)

- Acceptable documents (cont'd):
  - Bureau of Indian Affairs card
  - Other documents approved by the State Elections Board
- Effective January 1, 2010.



# Senate Bill 196

- Section 1 amends O.C.G.A. §40-5-20 to clarify that anyone convicted of driving without a license (DWOL) in violation of O.C.G.A. §40-5-20(a) should be punished according to O.C.G.A. §40-5-121 (driving with a suspended license).



## Senate Bill 196 (cont'd)

- Section 1 creates an affirmative defense for DWOL if the person brings a valid driver's license to court.
- A last minute amendment from the Senate changed the language to provide that the license need not have been valid at the time of the incident in order for the defendant to be eligible for this defense.



## Senate Bill 196 (cont'd)

- Section 2 creates a new Code Section, §40-5-57.3, that will suspend a defendant's driver's license for a period of thirty (30) days if he or she is convicted of a second or subsequent violation of O.C.G.A. §40-6-77 within five (5) years.



## Senate Bill 196 (cont'd)

- Section 3 amends O.C.G.A. §40-5-121 to delete the verbiage that creates an affirmative defense to DWSL if the defendant appears in court with a valid driver's license.



## Senate Bill 196 (cont'd)

- Section 4 amends O.C.G.A. §40-6-77 to amend the definition of serious injury in the context of injuries resulting from collisions that occur when a motorist fails to yield the right of way to a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products, livestock, farm machinery, or farm supplies.



## Senate Bill 196 (cont'd)

- Section 5 amends O.C.G.A. §40-6-96 to prohibit pedestrians from walking in the roadway if a sidewalk is provided unless there is not a vehicle within 1000 feet of the pedestrian or the sidewalk is too dangerous to use.



## Senate Bill 196 (cont'd)

- Section 6 amends O.C.G.A. §40-5-83 to increase the assessment fee for DUI Drug or Alcohol Use Risk Reduction Programs from \$75.00 to \$82.00.
- Requested by DHR to offset additional expenses resulting from the drastic increase in clinical evaluations/treatment following the enactment of HB-336 (2008).



## Senate Bill 196 (cont'd)

- Section 7 amends O.C.G.A. §40-6-144 to allow local governments the authority to authorize children age twelve (12) and younger to ride their bicycles on the sidewalk.
- Effective July 1, 2009.



# Senate Bill 199

- Amends O.C.G.A. §§15-9-1.1 and 15-10-137 to allow the Probate Judges Council and the Magistrate Courts Training Council the option of suspending training for calendar years 2009 and 2010.
- If training is suspended, judges who receive training will get credit for such training in 2010 or 2011.
- Effective upon Governor's signature on May 4, 2009.

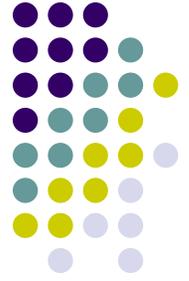


# Senate Bill 211

- Exempts office supplies from DOAS purchasing requirements.
- Excludes office equipment or furniture, such as computers, shelves, printers, chairs, copy machines, or similar items.
- Effective upon Governor's signature.

**VETOED**

# Questions?



- **GECPS**  
gecps@dds.ga.gov
- **DDS Legal Services**  
P.O. Box 80447  
Conyers, Georgia 30013  
Phone: (678) 413-8765  
Fax: (678) 413-8773  
[jammons@dds.ga.gov](mailto:jammons@dds.ga.gov)

[www.dds.ga.gov](http://www.dds.ga.gov)