

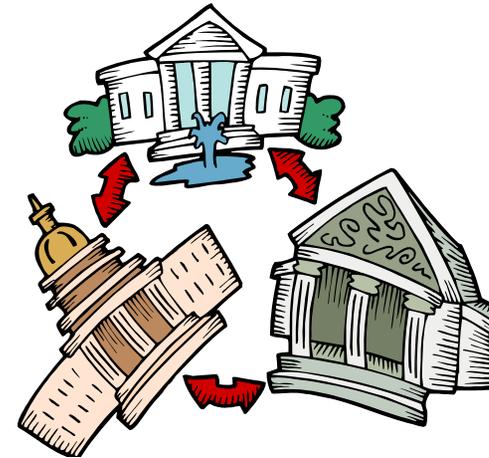


2010 Traffic Law Update

Topics



- Changes to traffic laws
- Changes impacting DDS operations
- Changes impacting court operations



Teen Texting/Cell Phone Use



- House Bill 23 prohibits anyone under age 18 who holds a learner's permit or Class D driver's license from talking or texting on any wireless device while driving.
 - Exceptions allowed to report a crime/accident or while the vehicle is parked; also does not apply to in-vehicle navigation systems.
 - Penalties include a \$150.00 fine (no surcharges) and 1 Point on the driving record
 - Fine should be doubled if involved while texting or talking
 - Effective July 1, 2010



Adult Texting Prohibition

- Senate Bill 360 prohibits anyone over age 18 or who holds a Class C driver's license from reading, writing, or sending a text message while driving.
 - Exceptions allowed to report a crime/accident or while the vehicle is parked; also does not apply to in-vehicle navigation systems.
 - Penalties include a \$150.00 fine (no surcharges) and 1 Point on the driving record
 - Effective July 1, 2010



ATV Violations

- House Bill 207 amends O.C.G.A. 40-7-6 to make many ATV offenses subject only to a civil penalty of at least \$25.00 instead of a misdemeanor.
- Also expands jurisdiction of probate courts to be able to impose the new penalties.
 - Effective July 1, 2010.



Second DUI Convictions

- House Bill 898 limits the information published in the newspaper about the addresses of defendants convicted of a second or subsequent DUI within five (5) years.
- Street addresses should no longer be included.
 - Effective July 1, 2010

Limited Permits/Restricted CP



- House Bill 258 allows judges to authorize the issuance of a limited driving permit for customers age 18 or older with license suspensions imposed under O.C.G.A. 40-5-57.1 for a 4-point speeding ticket.
- This bill also allows DDS to issue a restricted learner's permit to a child with a handicapped parent or guardian that would allow the child to drive with the parent/guardian.

License Restriction Violations



- House Bill 1224 creates an affirmative defense to a violation of O.C.G.A. 40-5-30 if the restriction is for vision and the defendant no longer needs to wear glasses/contacts.
- Senate Bill 6 changes the mandatory license suspension that results from convictions for violations of O.C.G.A. 40-5-30 permissive at the discretion of the trial court.



Seatbelts in Pick-Ups

- Senate Bill 458 deletes the exemption for pick-up trucks from the mandatory seatbelt requirement.
- The bill only deleted the exemption. No other changes were made to O.C.G.A. 40-8-76.1 or 40-8-79.
 - Effective June 3, 2010



Left Turn Fix

- House Bill 1231 re-wrote O.C.G.A. 40-6-120(a)(2) to resolve constitutional infirmities of prior version.
 - Effective July 1, 2010
- The Georgia Supreme Court previously struck down the language in O.C.G.A. §40-6-120(a)(2) as unconstitutionally vague. *McNair v. State*, 285 Ga. 514 (2009).



Left Turn (cont'd)

- First Possible Interpretation: A driver who wants to make a left turn onto a roadway with multiple lanes must make the turn in a manner that leaves the intersection or other extreme left-hand lane location lawfully available, i.e., open or clear, to traffic moving in the same direction on the roadway the driver has just entered.



Left Turn (cont'd)

- Second Possible Interpretation: A driver who wants to make a left turn onto a roadway with multiple lanes must make the turn so that, when the driver departs from or 'leaves' the intersection or other location, the turning vehicle is itself located in the lane farthest to the left that is lawfully available to traffic moving in that same direction.



Left Turn (cont'd)

- The potential for differing interpretations makes the statute too vague to be enforced and, therefore, “unconstitutional under the due process clauses of the Georgia and United States Constitutions.”
- The new verbiage directs motorists to turn into the “extreme left-hand lane” when making such turns.



DDS' Legislation

- House Bill 396 contains numerous changes requested by DDS, including:
 - Non-commercial Class A and B licenses will now be non-commercial Class E and F
 - Prohibition against non-governmental scanning of driver's licenses or ID cards
 - Allows signatures to be captured electronically on UTC's



DDS' Legislation (cont'd)

- House Bill 396 (cont'd):
 - DDS will still be required to send notice of FTA suspensions via certified mail, but the language from House Bill 1111 (2008) about notice for a subsequent charge of driving on a suspended license remains intact.



Medical Info on DL or ID

- Senate Bill 419 will allow DDS to mark a driver's license to show that the customer has Post Traumatic Stress Disorder (PTSD) if requested by a member of the military or a veteran.
- DDS will be offering this functionality to all customers, and PTSD will not be the only medical condition allowed.



Disaster Recovery

- House Bill 1019 provides for free issuance of state driver's licenses and ID cards in the event of a natural disaster.
 - Also applies to other credentials issued by the State.
 - Effective May 24, 2010



Fee Changes

- House Bill 1055 will allow DDS to give a discount on reinstatement fees paid via the internet.
- Also changes maximum term of DL or ID to 8 years.
- Requires payment of a filing fee of \$150.00 to appeal an ALS or implied consent suspension.
- Numerous other changes to court fees.



Probation Revocations

- House Bill 329 amends the provisions of O.C.G.A. 42-8-34.1 relating to probation revocations based upon a new misdemeanor offense committed outside Georgia that would be a felony under Georgia law.
- House Bill 859 makes changes in the documentation requirements for tolling a probated sentence.



Recognizance Bonds

- House Bill 889 limits the offenses for which a defendant can be released on his/her own recognizance, including DUI and habitual violator.
 - Effective July 1, 2010



Citizen Warrants

- House Bill 199 allows a magistrate to deny a warrant application submitted by a lay-person without a hearing if the information provided in the application for the warrant does not create probable cause.
 - Effective July 1, 2010.

Crime Victims



- House Bill 567 expands the Crime Victims Bill of Rights.
 - Effective July 1, 2010

Protecting Court Personnel



- House Bill 1002 expands the prohibitions against attacks and threats against court personnel.
 - Effective July 1, 2010

Concealed Weapons



- Senate Bill 308 changes provisions related to carrying concealed weapons.
 - Effective June 4, 2010
 - SB-291 containing similar language was vetoed.

Questions???

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