



Law Enforcement Update Winter - 2007

The following information is being distributed to Sheriff's Offices and Police Departments in the State of Georgia to update them on issues that directly affect driver's license law. Included in this update are legislative changes to the Official Code of Georgia and procedural clarifications based on questions and comments from criminal justice agencies around the state.

In all instances, DDS strongly encourages officers and deputies to operate in accordance with the policies of their employer. Any discrepancy between those policies and the information presented here should be reconciled between DDS and the proper authority within those law enforcement agencies (contact information is provided at the end of this update). Except when required by law or departmental policy, officers and deputies have discretion in making all charges. Nothing in this guide should be construed to require that an officer make a charge, only to suggest the proper course of action to take should a particular charge be made.

Joshua's Law – Effective January 1, 2007

Joshua's Law is changing the way that teenagers obtain a driver's license in Georgia. Effective January 1, 2007, all teenagers who wish to obtain a Class D license when they turn 16 must have completed driver's education from a DDS approved provider. This includes a thirty hour classroom course (in person or online), and either a six-hour on-the-road course from a DDS-approved instructor or the forty-hour parent-taught guide. Otherwise, the teenager must wait until they are 17 years of age to obtain a Class D license. More information can be found at www.gateendrivereducation.com.

Directly Related to Law Enforcement: In addition to the changes for license eligibility, the conditions under which a Class D license holder may operate a vehicle have changed as well. Effective January 1, 2007, the following conditions exist for Class D license holders:

- may not operate a motor vehicle between 0000 and 0600 hours, no exceptions
- for the first six months after issuance, there may not be any passengers in the vehicle who are not members of the driver's immediate family;
- for the second six-month period after issuance, there may not be more than 1 passenger under the age of 21 in the vehicle who is not a member of the driver's immediate family;
- after the second six-month period, there may not be more than 3 passengers under the age of 21 in the vehicle who are not members of the driver's immediate family;

Any violation of these conditions should be charged under O.C.G.A. §40-5-24

Format change on Georgia Driver's Licenses

Beginning in November of 2006, all Georgia driver's licenses issued by DDS will show "Issue Date" instead of "Exam Date" on the face of the license. The purpose of this change is to allow us to further distinguish the date that an individual's license was actually issued to them (which is not necessarily the date of their examination).

"Issue Date" for Class D licenses may impact conditions listed in O.C.G.A. §40-5-24

Joshua's Law (effective January 1, 2007) amends the conditions under which a Class D license holder may drive (see above). Because the passenger conditions are directly affected by the date the license is issued, officers and deputies should be mindful of the above-mentioned format change. If a Class D license holder loses their license, the replacement will indicate the date upon which the license was re-issued to them (that is, the date the replacement license was actually printed for the driver). Because of this change, it may appear that the teen is in a different six-month period than they actually are. If an



officer performs a query of the license via GCIC, the return will also indicate the new issue date of the reprinted license and not the date the teen was originally issued the Class D license. The only indicator that the license is a replacement is that on the face of the license itself, one of the following will be indicated:

<u>TYPE</u>	and	<u>FEE</u>
FRP		000.00
DUP		5.00
RET		000.00

Again, these do not prove what date the license was originally issued (and thus, what six-month period the driver is actually in), but it does indicate that the license was replaced after it was originally issued to the driver. The only way to determine the actual date of issuance for the original license would be a request directly to DDS. Officers should be mindful of this when issuing a citation under O.C.G.A. §40-5-24.

Foreign Driver's Licenses

Note: This information has changed since the initial release of the Summer '06 Update

Persons who are lawfully present in the United States may operate a motor vehicle while in possession of a foreign driver's license for up to one year after arrival in the U.S.¹; provided, however, that if they become a resident as defined by O.C.G.A. §40-5-1, they must obtain a Georgia driver's license within 30 days². Those persons who are not lawfully present in the United States will not qualify for residency status for the purpose of obtaining a Georgia driver's license³. There is no legally valid document titled "International Driver's License." Foreign citizens may obtain an International Driving Permit from their government that serves as an English translation of their original license. The foreign license must accompany the International Driving Permit for it to be considered valid⁴. Officers should never seize a foreign driver's license or international driving permit unless the situation would justify the seizure of a Georgia driver's license. Officers should also be mindful of the exemptions enumerated in §40-5-21.

Reference books are available that provide illustrations of legal foreign documents, including driver's licenses. { 1) See Murphy, *Interpretation of 1949 Convention on Road Traffic, Contemporary Practice of the United States Related to International Law*, 96 Amer. J. Int'l L. 709 (2002); 2) O.C.G.A. §§ 40-5-1, 40-5-20; 3) *Diaz v. State*, 245 Ga. App. 380 (2000); 4) Olson, *Foreign Nationals and Driver's Licenses*, Memo (Prosecuting Attorneys' Council of Georgia - August 11, 2006) }.

License Displayed in Lieu of Bail - Correction

Note: This information has changed since the initial release of the Summer '06 Update

In the original version of the Summer 2006 Update, Driving without Insurance (O.C.G.A. §40-6-10) was mistakenly included in the list of offenses for which an officer should require a cash bond and not accept a license displayed in lieu of bail pursuant to §17-6-11. Provided that there are no other contributing factors to the contrary, a custodial arrest is not allowed based on a charge for Driving without Insurance.

DDS Contact Information

***When a member of the general public contacts court or law enforcement personnel inquiring about driver's license issues, please direct them to the DDS Customer Contact Center at (678) 413-8400. **Please** do not provide them the information listed below. ***

Court and law enforcement personnel only may contact the following with questions or to arrange training for their agency:

Brandon Poarch
Judicial Liaison – Business Standards Unit
Georgia Department of Driver Services

Office: (678) 413-8444
Cell: (404) 535-5617
Email: bpoarch@dds.ga.gov

