

House Bill 1168

By: Representatives Townsend of the 179th, DeLoach of the 167th, Sainz of the 180th, Vance of the 133rd, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for the notation of certain medical conditions and disabilities on
3 driver's licenses; to require police officers to consider certain medical conditions and
4 disabilities when investigating persons suspected of driving under the influence of alcohol,
5 drugs, or other intoxicating substances; to provide for the determination and verification of
6 such conditions or disabilities; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
10 amended by revising Code Section 40-5-38, relating to notation of post-traumatic stress
11 disorder, as follows:

12 "40-5-38.

13 (a) Members of the armed services and veterans who have been diagnosed with ~~post~~
14 ~~traumatic~~ post-traumatic stress disorder may request to have a notation of such diagnosis
15 placed on his or her driver's license. Such applicant shall present the department with a

16 sworn statement from a person licensed to practice medicine or psychology in this state
 17 verifying such diagnosis.

18 (b) Any person who has been diagnosed with a physical, mental, or neurological condition
 19 which impedes his or her ability to communicate may request to have a notation of such
 20 diagnosis placed on his or her driver's license. Such applicant shall present the department
 21 with a sworn statement from a person licensed to practice medicine or psychology in this
 22 state verifying such diagnosis.

23 (c) The commissioner shall by rules and regulations establish procedures necessary to
 24 carry out the provisions of this Code section including, without limitation, application
 25 forms to include a waiver of liability for the release of any medical information and ~~an~~ any
 26 appropriate ~~symbol~~ notations to be placed on the drivers' licenses of qualifying persons."

27 **SECTION 2.**

28 Said title is further amended in Code Section 40-6-391, relating to driving under the
 29 influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice
 30 of conviction for persons convicted for second time, and endangering a child, by adding a
 31 new subsection to read as follows:

32 "(m)(1) Any police officer investigating a potential violation of subsection (a) of this
 33 Code section shall take into consideration any medical condition or physical or mental
 34 disability of a person suspected to have committed such violation that may impede such
 35 person's ability to communicate or to perform any commands, tasks, or actions that are
 36 designed to determine whether a person has violated subsection (a) of this Code section.

37 (2) In determining or verifying whether a person has a medical condition or physical or
 38 mental disability for purposes of paragraph (1) of this subsection, a police officer may
 39 consider:

40 (A) Any marking or notation on the person's driver's license indicating the existence
 41 of such a medical condition or physical or mental disability, including, but not limited

42 to, a notation or symbol made on the driver's license pursuant to Code Section 40-5-38
43 or Article 8 of Chapter 5 of this title;

44 (B) Whether the criminal justice information system includes, pursuant to
45 subparagraph (b)(2)(B) of Code Section 40-2-26, any indication that the registered
46 owner or expected driver of the vehicle that the person was driving has a physical,
47 mental, or neurological condition which impedes his or her ability to communicate;

48 (C) Whether the license plate attached to the vehicle that the person was driving is a
49 specially designated license plate for persons with disabilities, including, but not limited
50 to, a license plate issued pursuant to Code Section 40-2-69, 40-2-70, or 40-2-74; and

51 (D) Whether the person has been issued a disability parking permit, including, but not
52 limited to, a parking permit issued pursuant to Code Section 40-2-74.1."

53

SECTION 3.

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