

The House Committee on Motor Vehicles offers the following substitute to HB 890:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 19 and Chapter 5 of Title 40 of the Official Code
2 of Georgia Annotated, relating to Child Support Recovery Act and drivers' licenses,
3 respectively, so as to provide for notice of suspension for a driver's license or privilege to
4 operate a motor vehicle for noncompliance with a child support order or failure to respond
5 to a citation to be sent via certified mail or certificate of mailing; to provide for definitions;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to
10 Child Support Recovery Act, is amended by revising subsection (g) of Code Section
11 19-11-9.3, relating to suspension or denial of license for noncompliance with child support
12 order, interagency agreements, report to General Assembly, and duty to inform obligors, as
13 follows:

14 "(g) If no response is received from the delinquent obligor by the department within 30
15 days from the date of mailing of the notice and the delinquent obligor is still shown as
16 delinquent on the next month's certified list, the department shall request one or more
17 licensing entities to deny or suspend a license of the delinquent obligor. Each Except as
18 otherwise provided for in Code Section 40-5-54.1, each licensing entity shall notify the
19 delinquent obligor by certified mail or statutory overnight delivery of the date that the
20 license has been denied or suspended."

21 **SECTION 2.**

22 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
23 is amended by revising Code Section 40-5-54.1, relating to denial or suspension of license
24 for noncompliance with child support order, as follows:

25 "40-5-54.1.

26 (a) As used in this Code section, the term:

27 (1) 'Agency' means the agency within the Department of Human Services which is
28 responsible for enforcing orders for child support pursuant to this article.

29 (2) 'Certificate of mailing' means a delivery method utilized by the United States Postal
30 Service which provides evidence that an item has been sent and the date such item was
31 accepted.

32 (3) 'Compliance with an order for child support' means, as set forth in a court order,
33 administrative order, or contempt order for child support, the obligor is not more than 60
34 calendar days in arrears in making payments in full for current support, periodic
35 payments on a support arrearage, or periodic payments on a reimbursement for public
36 assistance.

37 ~~(3)~~(4) 'Proof of compliance' means the notice of release issued by the agency or court of
38 competent jurisdiction stating that the delinquent obligor is in compliance with an order
39 for child support.

40 (b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,
41 the license of any driver upon receiving a record from the agency or a court of competent
42 jurisdiction stating that such driver is not in compliance with an order for child support.
43 The department shall send notice of any suspension imposed pursuant to this Code section:
44 ~~Such notice shall be sent~~ via certified mail or certificate of mailing to the address reflected
45 on its records as the driver's mailing address. The mailing of such notice by the department
46 shall be deemed conclusively to be notice to such driver of the suspension of his or her
47 driver's license and shall be deemed to satisfy all notice requirements of law, and no further
48 notice to the driver shall be required for the suspensions provided for in this Code section.

49 (c) The suspension or denial of an application for issuance or renewal of a license shall be
50 for an indefinite period and until such person shall provide proof of compliance with an
51 order for child support. Such person's license shall be reinstated if the person submits
52 proof of compliance with an order for child support from the agency or court of competent
53 jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is
54 processed by mail for the return of his or her license.

55 (d) Any person who receives notice from the agency that his or her ~~registration~~ license is
56 subject to denial or suspension may request a hearing and appeal as provided for in Code
57 Section 19-6-28.1 or 19-11-9.3. Notwithstanding any provisions of law to the contrary, the
58 hearings and appeal procedures provided for in such Code sections shall be the only such
59 procedures required for purposes of this Code section."

60

SECTION 3.

61 Said chapter is further amended by revising subsection (a) of Code Section 40-5-56, relating
 62 to suspension of license or driving privilege for failure to respond to citation and
 63 reinstatement of license, as follows:

64 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,
 65 the department shall suspend the driver's license or privilege to operate a motor vehicle in
 66 this state of any person who has failed to respond to a citation to appear before a court of
 67 competent jurisdiction in this state or in any other state for a traffic violation other than a
 68 parking violation. The department shall include language in the uniform traffic citation
 69 stating that failure to appear and respond to such citation shall result in the suspension of
 70 the violator's driver's license or nonresident driving privilege. The language reflected on
 71 a uniform traffic citation issued in this state shall be sufficient notice of said suspension to
 72 support a conviction for a violation of Code Section 40-5-121 if such person drives
 73 subsequent to the imposition of such a suspension following his or her failure to appear.
 74 ~~Notwithstanding the foregoing,;~~ provided, however, that the department shall send notice
 75 of any suspension imposed pursuant to this Code section. ~~Such notice shall be sent~~ via
 76 certified mail or certificate of mailing to the address reflected on its records as the person's
 77 mailing address. ~~Proof of receipt of said notice shall be admissible to support a conviction~~
 78 ~~for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition~~
 79 ~~of such a suspension following his or her failure to appear.~~ For purposes of this subsection,
 80 the term 'certificate of mailing' means a delivery method utilized by the United States
 81 Postal Service which provides evidence that an item has been sent and the date such item
 82 was accepted."

83

SECTION 4.

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