

Representative Hall, Atlanta, Georgia**Thursday, March 26, 2015****Thirty-Seventh Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Coomer	E Harbin	Mitchell	Smith, L
Alexander	Cooper	Harden	Morris	Smith, M
E Allison	Corbett	Harrell	Nimmer	Smith, R
Anderson	E Dawkins-Haigler	Hatchett	Nix	Smyre
Atwood	Deffenbaugh	Hawkins	O'Neal	Spencer
Ballinger	Dempsey	Henson	Pak	Stephens, M
Barr	Dickerson	Hightower	Parrish	Stephens, R
Battles	Dickey	Hitchens	Parsons	Stovall
E Beasley-Teague	Dollar	Holcomb	Peake	Stover
Bell	Douglas	Holmes	Petrea	Strickland
Belton	Drenner	Houston	Pezold	Tankersley
E Bennett	Dudgeon	Howard	Powell, A	Tanner
E Bentley	Dukes	Hugley	Powell, J	Tarvin
Benton	Dunahoo	Jackson	Prince	Taylor, D
Beskin	Duncan	E Jasperse	Pruett	Taylor, T
Beverly	Ealum	Jones, J	Quick	Teasley
Broadrick	Efstration	Jones, J.B.	Raffensperger	Thomas, A.M.
Brockway	Ehrhart	E Jones, L	E Rakestraw	Thomas, E
Brooks	England	E Jones, S	Ramsey	Trammell
Bruce	Epps	E Jordan	Randall	Turner
Bryant	Evans	Kaiser	Reeves	E Waites
Buckner	Fleming	Kelley	Rhodes	Watson
Burns	E Floyd	Kendrick	Rice	Welch
Caldwell, J	Fludd	Kidd	Roberts	Weldon
Caldwell, M	Frazier	E Kirby	Rogers, C	Werkheiser
Cantrell	Frye	Knight	Rogers, T	Wilkerson
Carter	Gardner	LaRiccia	Rutledge	Wilkinson
Casas	Gasaway	Lumsden	Rynders	Willard
Chandler	E Geisinger	Mabra	Scott	Williams, A
Cheokas	Glanton	Marin	Setzler	Williams, C
Clark, D	Golick	Martin	Sharper	Williams, E
Clark, H	Gordon	Maxwell	Shaw	Williamson
Clark, V	Gravley	McCall	Sims	Yates
Coleman	Greene	McClain	Smith, E	Ralston, Speaker
E Cooke	Hamilton	Meadows		

The following members were off the floor of the House when the roll was called:

Representatives Dickson of the 6th, Jacobs of the 80th, Mayo of the 84th, Mosby of the 83rd, Oliver of the 82nd, and Stephenson of the 90th.

They wished to be recorded as present.

Prayer was offered by Dr. Terry Walton, Senior Pastor, Gainesville First United Methodist Church, Gainesville, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 665. By Representatives Scott of the 76th, Smyre of the 135th, Brooks of the 55th, Dawkins-Haigler of the 91st, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to registration of voters, so as to provide for the automatic registration of voters who obtain, renew, or change their name or address on a driver's license or identification card issued by the Department of Driver Services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 666. By Representatives Drenner of the 85th and Buckner of the 137th:

A BILL to be entitled an Act to amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to create the Coast Smart Water Commission; to provide for membership, authority, and responsibilities of the commission; to provide that certain state capital projects comply with siting and design criteria established by the commission to minimize the effects of coastal flooding and rising sea levels; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 667. By Representative Drenner of the 85th:

A BILL to be entitled an Act to amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to the general provisions relative to public utilities, so as to provide for preferred payment plans for utility customers on fixed incomes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 676. By Representative Brockway of the 102nd:

A BILL to be entitled an Act to amend Chapter 29 of Title 50 of the Official Code of Georgia Annotated, relating to information technology, so as to provide for the submission of business cases in certain circumstances; to provide for change management requirements for certain projects; to provide for legislative intent and findings; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 677. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd and Evans of the 42nd:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government; to amend Title 13 of the O.C.G.A., relating to contracts; to amend Title 16 of the O.C.G.A., relating to crimes and offenses; to provide for related matters; to provide for a contingent effective date and repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 678. By Representative Smith of the 134th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to increase the rate of tax on the retail purchase, retail sale, rental, storage, use, or consumption of certain tangible property; to provide for conforming changes with respect to certain tax ceilings, imposition of taxes, collection from dealers, disposition of certain excess taxes, compensation of dealers for reporting and paying taxes, and payment of taxes by certain contractors; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HR 787. By Representatives Gardner of the 57th, Ramsey of the 72nd, Parrish of the 158th, Williams of the 119th, Dickerson of the 113th and others:

A RESOLUTION encouraging Governor Nathan Deal to establish a Diabetes Control Grant Program Advisory Board and to fund the proposed grant programs outlined in the Diabetes Health and Improvement Act of 2010; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 788. By Representatives Stephens of the 164th, Sims of the 123rd and O'Neal of the 146th:

A RESOLUTION creating the House Study Committee on Cyber Security; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HR 807. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd and Evans of the 42nd:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the local authorization of a limited number of licensed casino resorts within the state; to authorize the operation and regulation of limited casino gaming within the state; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Regulated Industries.

HR 808. By Representative Smith of the 134th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from an additional .2 percent increase in the general state sales and use tax shall be appropriated for the treatment of autism spectrum disorder; to authorize the General Assembly to allocate and direct the use of such funds by general law; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 809. By Representatives Bentley of the 139th, Anderson of the 92nd, Randall of the 142nd, Deffenbaugh of the 1st and Dickey of the 140th:

A RESOLUTION honoring the life of Dr. Delores Felder and dedicating a bridge in her memory; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the rules were suspended in order that the following Resolutions of the House could be introduced, read the first time and referred to the Committees:

HR 826. By Representatives Tankersley of the 160th, Ehrhart of the 36th, Parrish of the 158th, Stephens of the 164th and Werkheiser of the 157th:

A RESOLUTION urging the Congress of the United States, the National Institutes of Health, and its National Cancer Institute to increase funding for childhood cancer research and to continue their support for pediatric clinical trials in Georgia; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 827. By Representatives Ramsey of the 72nd, Meadows of the 5th, Smyre of the 135th, Stephens of the 164th, Maxwell of the 17th and others:

A RESOLUTION creating the House Study Committee on the Preservation of the HOPE Scholarship Program; and for other purposes.

Referred to the Committee on Rules.

HR 828. By Representatives Houston of the 170th, England of the 116th, Parrish of the 158th, Dempsey of the 13th, Taylor of the 173rd and others:

A RESOLUTION creating the House Study Committee on the Provision of Indigent and Charity Health Care Services; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 829. By Representatives Clark of the 98th, Thomas of the 39th, Barr of the 103rd, Martin of the 49th, Kelley of the 16th and others:

A RESOLUTION creating the House Welfare Fraud Study Committee; and for other purposes.

Referred to the Committee on Health & Human Services.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 653	HB 654
HB 658	HB 659
HB 660	HB 661
HB 662	HB 663
HB 664	HB 668
HB 669	HB 670
HB 671	HB 672
HB 673	HB 674
HB 675	HR 765
HR 766	HR 767
HR 784	HR 785
HR 786	HR 805
HR 806	SB 208

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

Your Committee on Education has had under consideration the following Bills and Resolution of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 116	Do Pass	SB 132	Do Pass, by Substitute
SB 156	Do Pass	SB 164	Do Pass
SB 176	Do Pass	SR 80	Do Pass, by Substitute

Respectfully submitted,
/s/ Coleman of the 97th
Chairman

Representative Rynders of the 152nd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Governmental Affairs has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 59	Do Pass, by Substitute	SB 85	Do Pass, by Substitute
SB 104	Do Pass	SB 127	Do Pass, by Substitute

Respectfully submitted,
/s/ Rynders of the 152nd
Chairman

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 596	Do Pass, by Substitute	HB 643	Do Pass
HB 644	Do Pass	HB 651	Do Pass
HB 652	Do Pass	HB 655	Do Pass
HB 656	Do Pass	HB 657	Do Pass
SB 171	Do Pass	SB 172	Do Pass
SB 224	Do Pass		

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 99	Do Pass, by Substitute
SB 130	Do Pass, by Substitute
SB 160	Do Pass, by Substitute

Respectfully submitted,
/s/ Golick of the 40th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, MARCH 26, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HR 640	Joint Study Committee on Health, Education, and School-Based Health Centers; create (Substitute)(H&HS-Broadrick-4th)
HR 641	Joint Study Committee on Children's Mental Health; create (Substitute)(H&HS-Dempsey-13th)
SB 119	"Water Professionals Appreciation Day"; designate the first Monday in May of each year in Georgia (NR&E-Smith-70th) Jeffares-17th
SR 26	Joint House and Senate Coastal Greenway Study Committee; create (ED&T-Stephens-164th) Ligon, Jr.-3rd

Modified Structured Rule

- SB 100 Motor Vehicles and Traffic; provide for applicability with current federal reg. in the safe operations of motor carriers and commercial motor vehicles (Substitute)(MotV-Greene-151st) Harper-7th(Rules Committee Substitute LC 39 1057S)
- SB 101 Soil Erosion and Sedimentation; provide for buffer against coastal marshlands within which certain land-disturbing activities are prohibited (NR&E-Stephens-164th) Watson-1st (AM 40 0138)
- SB 194 Pharmacists and Pharmacies; certain provisions shall not apply; facility engaged solely in the distribution of dialysate, drugs; patients with end stage renal disease (Substitute)(H&HS-Cooper-43rd) Jeffares-17th
- SB 195 Bonds and Recognizances; increase fees allowed for continuing education programs (Substitute)(JudyNC-Harrell-106th) Williams-27th

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

By unanimous consent, the following Bills of the House and Senate were taken up for consideration and read the third time:

- HB 596. By Representatives Jacobs of the 80th, Taylor of the 79th, Kendrick of the 93rd, Holcomb of the 81st, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead, approved May 5, 2006 (Ga. L. 2006, p. 4636), as amended, so as to modify the time limitation on such exemption; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead, approved May 5, 2006 (Ga. L. 2006, p. 4636), as amended, so as to modify the time limitation on such exemption; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead, approved May 5, 2006 (Ga. L. 2006, p. 4636), as amended, is amended by revising subsection (f) of Section 1 as follows:

"(f)(1) Except as provided in paragraph (2) of this subsection, the exemption granted by subsection (b) of this section shall apply only to taxable years 2007 through 2021. Except as provided in paragraph (2) of this subsection, unless renewed or extended by subsequent Act of the General Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable year 2022 or any subsequent taxable year.

(2) If the General Assembly enacts an equalized homestead option sales and use tax and such tax is placed into effect in DeKalb County during the period the exemption granted by subsection (b) of this section is in effect, the exemption granted by subsection (b) of this section shall be tolled for as long as the equalized homestead option sales and use tax is in effect. Upon the cessation of the collection of the equalized homestead option sales and use tax, the exemption granted by subsection (b) of this section shall resume for the number of years that remained in the period set forth in paragraph (1) of this subsection at the time of the imposition of the equalized homestead option sales and use tax."

SECTION 2.

Provided that the General Assembly enacts an equalized homestead option sales and use tax in its 2015-2016 biennial session, the election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of DeKalb County for approval or rejection. If the General Assembly does not enact an equalized homestead option sales and use tax in its 2015-2016 biennial session, no such election shall be held. If such election is held, the election superintendent shall conduct such election on the Tuesday next following the first Monday in November, 2016. The election superintendent shall issue the call and conduct such election as provided by general law. The election superintendent shall cause the

date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act be approved which amends the homestead exemption from
 () NO DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead by extending the time limitation on such exemption?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2017, and shall apply to all taxable years beginning on or after that date. If the Act is not so approved or if the General Assembly does not enact an equalized homestead option sales and use tax in its 2015-2016 biennial session, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by DeKalb County. It shall be the duty of the election superintendent of DeKalb County to certify the results thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 643. By Representatives Clark of the 147th, Harden of the 148th, Dickey of the 140th, O`Neal of the 146th and Epps of the 144th:

A BILL to be entitled an Act to amend an Act authorizing the governing authority of the City of Warner Robins to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A., approved May 11, 2009, (Ga. L. 2009, p. 3981), so as to change a reference to a resolution passed by the city council; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 644. By Representatives Clark of the 147th, Dickey of the 140th, Epps of the 144th, O`Neal of the 146th and Harden of the 148th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from all City of Warner Robins ad valorem taxes for any city purposes, including, but not limited to, taxes to retire bonded indebtedness for certain persons who have been residents of the City of Warner Robins for at least the immediately preceding five years and who are 65 years of age or older, approved April 5, 1995 (Ga. L. 1995, p. 4189), as amended, so as to change the date for filing an application for such homestead exemption; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 651. By Representatives Maxwell of the 17th, Gravley of the 67th, Alexander of the 66th and Rakestraw of the 19th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the board of education of Paulding County," approved March 21, 1968 (Ga. L. 1968, p. 2381), as amended, so as to change the method of filling vacancies on the board of education; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 652. By Representatives O`Neal of the 146th, Dickey of the 140th, Harden of the 148th, Epps of the 144th and Clark of the 147th:

A BILL to be entitled an Act to create the Perry Public Facilities Authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 655. By Representatives Willard of the 51st, Jones of the 47th, Dudgeon of the 25th, Wilkinson of the 52nd, Jacobs of the 80th and others:

A BILL to be entitled an Act to provide for the administration of the budget of the Magistrate Court of Fulton County; to provide that the court

administrator shall be the chief magistrate or his or her designee; to provide that such court administrator shall have oversight of the budget; to provide that such court administrator is authorized to make changes to line item appropriations; to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 656. By Representative Pruett of the 149th:

A BILL to be entitled an Act to amend an Act creating the office of Commissioner of Dodge County, approved August 19, 1912 (Ga. L. 1912, p. 367), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 657. By Representatives Rhodes of the 120th and O`Neal of the 146th:

A BILL to be entitled an Act to repeal an Act creating the Greene County Family Connection Commission, approved March 27, 1998 (Ga. L. 1998, p. 3748), and all amendatory acts thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 171. By Senators Tippins of the 37th, Hill of the 32nd, Tate of the 38th, Rhett of the 33rd and Hill of the 6th:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3702), an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), and an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), so as to change the compensation of the chief deputy, the assistant chief deputy, and the executive assistant to the sheriff; to provide for related

matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 172. By Senators Tippins of the 37th, Hill of the 32nd, Tate of the 38th, Rhett of the 33rd and Hill of the 6th:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014, p. 4104), and an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), so as to change the compensation of the clerk of the superior court; to change the salary of the deputy clerk of the superior court; to provide for an executive assistant and an executive secretary; to provide for the appointment, qualifications, and salaries of such positions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 224. By Senators Martin of the 9th and Thompson of the 5th:

A BILL to be entitled an Act to create the Lawrenceville Building Authority as a public corporation and an instrumentality of the State of Georgia; to provide for the separate enactment of each provision of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

N Abrams	Y Coomer	E Harbin	Y Meadows	N Smith, E
Y Alexander	Y Cooper	Y Harden	Mitchell	Y Smith, L
E Allison	Y Corbett	E Harrell	Y Morris	Smith, M
N Anderson	E Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Nimmer	N Smyre
Y Ballinger	Y Dempsey	N Henson	Y Nix	Y Spencer

Y Barr	Y Dickerson	Y Hightower	Oliver	Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
N Bell	Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	N Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
N Brooks	Y Ehrhart	E Jones, L	Y Quick	N Thomas, A.M.
N Bruce	Y England	E Jones, S	Y Raffensperger	N Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	N Trammell
Y Buckner	N Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	N Randall	N Waites
Y Caldwell, J	E Floyd	Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Cantrell	N Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRicca	Y Rogers, C	N Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Marin	Y Rynders	N Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	N Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	N McClain	Y Sims	Ralston, Speaker

On the passage of the Bills, the ayes were 131, nays 21.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 51. By Senators Burke of the 11th, Watson of the 1st, Hufstetler of the 52nd, Millar of the 40th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for substitutions of interchangeable biological products; to define certain terms; to provide for requirements and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 2. By Senators Tippins of the 37th, Sims of the 12th, Cowser of the 46th, Wilkinson of the 50th, Millar of the 40th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum in elementary and secondary education, so as to provide that a student who completes certain requirements relating to postsecondary coursework may be awarded a high school diploma; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 170. By Representatives Roberts of the 155th, Burns of the 159th, Hamilton of the 24th, England of the 116th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend various provisions of the O.C.G.A., so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic; to amend Chapter 12 of Title 45 of the O.C.G.A., relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the O.C.G.A., relating to revenue and taxation; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the O.C.G.A., the "Georgia Transportation Infrastructure Bank Act," so as to provide new criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Williams of the 19th, Shafer of the 48th, and Gooch of the 51st.

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

SB 220. By Senator Harbison of the 15th:

A BILL to be entitled an Act to create the Schley County Utilities Authority; to provide for other related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 225. By Senator Henson of the 41st:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts within DeKalb County, approved May 13, 2008 (Ga. L. 2008, p. 3817), as amended, so as to change certain provisions so that community improvement districts may be created within municipalities in DeKalb County; to provide for a millage rate cap; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 91. By Representatives Coleman of the 97th, Dickson of the 6th, Clark of the 101st, Maxwell of the 17th, England of the 116th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the elementary and secondary education, so as to eliminate the Georgia High School Graduation Test as a requirement for purposes of graduation; to provide procedures for former students who did not pass one or more portions of the Georgia High School Graduation Test to petition to obtain a high school diploma; to provide for notice of such petition option; to provide for changes for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 160. By Representatives Dunahoo of the 30th, Jasperse of the 11th, Chandler of the 105th, Gravley of the 67th, Rogers of the 29th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife trapping, trappers, and fur dealers, so as to repeal a provision prohibiting the trapping of raccoons in certain counties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 199. By Representatives Corbett of the 174th, Nimmer of the 178th, Shaw of the 176th, Epps of the 144th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 1A of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to timber harvesting and removal requirements, so as to require notice of timber harvesting only in an approved form; to provide that one bond shall be required for each county; to provide that no county may require an administrative fee for receiving a notice of timber harvesting; to repeal conflicting laws; and for other purposes.

- HB 325. By Representatives Hitchens of the 161st, Tanner of the 9th, Lumsden of the 12th, Wilkinson of the 52nd, Atwood of the 179th and others:

A BILL to be entitled an Act to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to modify the definition of the term "passenger vehicle" to which the safety belt law applies; to provide for the imposition of fines; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 380. By Representatives Nix of the 69th, Trammell of the 132nd and Pezold of the 133rd:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Troup County; to provide for severability; to provide a short title; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- HB 393. By Representatives Martin of the 49th, Maxwell of the 17th, Stover of the 71st, Dudgeon of the 25th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Part 5 of Article 22 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to motor vehicle fair practices, so as to provide for an exception to restrictions on the ownership, operation, or control of dealerships by manufacturers and franchisors; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

- HB 215. By Representatives Jacobs of the 80th, Mayo of the 84th, Mosby of the 83rd, Taylor of the 79th, Drenner of the 85th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an additional exemption to the ceiling on local sales and use taxes which may be levied by a political subdivision; to provide for a revised distribution of the proceeds from the levy of an equalized homestead option sales and use tax; to provide for the levy of a special purpose local options sales and use tax in certain counties; to provide for procedures, conditions, and limitations; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 220. By Senator Harbison of the 15th:

A BILL to be entitled an Act to create the Schley County Utilities Authority; to provide for other related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 225. By Senator Henson of the 41st:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts within DeKalb County, approved May 13, 2008 (Ga. L. 2008, p. 3817), as amended, so as to change certain provisions so that community improvement districts may be created within municipalities in DeKalb County; to provide for a millage rate cap; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Williams of the 119th et al., Taylor of the 79th et al., Turner of the 21st et al., Kaiser of the 59th et al., Stovall of the 74th, Prince of the 127th, Gardner of the 57th et al., Howard of the 124th, Jones of the 167th, Anderson of the 92nd et al., Hightower of the 68th et al., Beasley-Teague of the 65th, Caldwell of the 20th, Stephens of the 164th et al., and Tankersly of the 160th et al.

Pursuant to HR 29, the House commended the Colquitt County Packers football team for winning the 2014 Class AAAAAA State Championship and invited them to be recognized by the House of Representatives.

Pursuant to HR 401, the House commended the Forsyth County Sheriff's Department and invited Sheriff Duane Piper and his staff to be recognized by the House of Representatives.

Pursuant to HR 568, the House honored the life of Captain Herb Emory and invited Mrs. Karen Emory, Sheriff Phil Miller, Deputy Chief Stan Copeland, Lt. Glenn Daniel, Lt. Elmer Horn, Chairman Tom Worthan, Chief Chris Womack, Mayor Harvey Persons, Chief Joe Whisenant, Clark Howard, Mark Arum, Doug Turnbull, Mark McKay, Pete

Spriggs, Ashley Frasca, Jason Durden, Kim McCarthy, Sheriff Gary Gullede, and Roger Leggett to be recognized by the House of Representatives.

Pursuant to HR 789, the House commended the Georgia State University Men's Basketball Team on their championship season and outstanding performance in the 2015 NCAA Men's Basketball Tournament and invited them to be recognized by the House of Representatives.

By order of the Committee on Rules, the following Bill of the Senate was withdrawn from the General Calendar and recommitted to the Committee on Public Safety & Homeland Security:

SB 141. By Senators Jones of the 10th, McKoon of the 29th, Seay of the 34th, Butler of the 55th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for juvenile proceedings under the Juvenile Code, so as to provide that minor violations of weapons in school safety zones are not considered Class B designated felonies; to restore certain provisions to their prior form due to the conflict between the enactment of 2014 House Bill 60 and House Bill 826; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolutions of the House and Senate were taken up for consideration and read the third time:

HR 641. By Representatives Dempsey of the 13th, Epps of the 144th, Harden of the 148th, Cooper of the 43rd, Oliver of the 82nd and others:

A RESOLUTION creating the Joint Study Committee on Children's Mental Health; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the House Study Committee on Children's Mental Health; and for other purposes.

WHEREAS, the Georgia General Assembly is concerned with the early intervention and prevention of mental health problems in children and adolescents in Georgia and the

resulting impact this has on these children, their families, and the citizens of this state; and

WHEREAS, mental health problems in children can impact their ability to learn and function successfully in educational settings, their future job performance and productivity as adults, and their families and others; and

WHEREAS, the resources for children and adolescents with mental health problems face a number of challenges concerning funding and other issues which strain their ability to deliver optimal care for these children and adolescents; and

WHEREAS, available funding is divided among multiple state agencies and other entities which must compete with each other for such funding; and

WHEREAS, the support of early intervention and prevention programs of the Department of Behavioral Health and Developmental Disabilities to identify and treat children with mental health issues before such problems are deeply manifested should be encouraged; and

WHEREAS, it would be beneficial to study the issue of available resources for children with mental health issues in this state and identify possible solutions or improvements in the delivery of services, particularly concerning early intervention and prevention services.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

- (1) **Creation of House study committee.** There is created the House Study Committee on Children's Mental Health.
- (2) **Members and officers.** The committee shall be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The Speaker shall designate a member of the committee as chairperson of the committee.
- (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.
- (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution.
- (5) **Allowances and funding.** The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. The allowances authorized by this resolution shall not be received by any member of the committee for more than five days unless additional

days are authorized. Funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the House of Representatives.

(6) Report.

(A) In the event the committee adopts any specific findings or recommendations that include suggestions for proposed legislation, the chairperson shall file a report of the same prior to the date of abolishment specified in this resolution, subject to subparagraph (C) of this paragraph.

(B) In the event the committee adopts a report that does not include suggestions for proposed legislation, the chairperson shall file the report, subject to subparagraph (C) of this paragraph.

(C) No report shall be filed unless the same has been approved prior to the date of abolishment specified in this resolution by majority vote of a quorum of the committee. A report so approved shall be signed by the chairperson of the committee and filed with the Clerk of the House of Representatives.

(D) In the absence of an approved report, the chairperson may file with the Clerk of the House of Representatives a copy of the minutes of the meetings of the committee in lieu thereof.

(7) Abolishment. The committee shall stand abolished on December 1, 2015.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Coomer	E Harbin	Y Meadows	Y Smith, E
Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	E Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	E Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites

Y Caldwell, J	E Floyd	Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 155, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

SB 101. By Senators Watson of the 1st, Jackson of the 2nd, Ligon, Jr. of the 3rd, Williams of the 19th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to the control of soil erosion and sedimentation, so as to provide for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited; to provide for exceptions and variances; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Stephens of the 164th et al. offer the following amendment:

Amend the committee substitute to SB 101 (LC 40 0835S) by replacing lines 62 through 78 with the following:

(C) On or before December 31, 2015, the board shall promulgate rules and regulations that:

(i) Contain criteria for the grant or denial by the director of requests for variances pursuant to this paragraph, including where an alteration within the buffer area has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; and

(ii) Provide for variances by rule, subject to specified conditions, for certain categories of activities within the buffer that will have minimal impact on the

water quality or aquatic habitat of the adjacent marsh, including where the area within the buffer is not more than 500 square feet; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	E Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstrotation	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, as amended.

HR 640. By Representatives Broadrick of the 4th, Gardner of the 57th, Tanner of the 9th, Clark of the 101st, Jasperse of the 11th and others:

A RESOLUTION creating the Joint Study Committee on Health, Education, and School-Based Health Centers; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the House Study Committee on Health, Education, and School-Based Health Centers; and for other purposes.

WHEREAS, there is a profound connection between a student's health status and educational achievement; and

WHEREAS, improving and maintaining health so that students are present, engaged, and hopeful is critical to their academic success; and

WHEREAS, school-based health centers are an evidence-based model of health care that address the complex health care needs of underserved children and adolescents; and

WHEREAS, school-based health centers support improved education outcomes; and

WHEREAS, school-based health centers improve academic achievement by improving the physical and mental status of students, thereby raising attendance rates, increasing seat time, reducing dropout rates, and improving classroom attention and behavior, all of which improve school climate; and

WHEREAS, school-based health centers promote positive youth development by helping to reduce risky behaviors, such as alcohol and drug abuse; and

WHEREAS, school-based health centers are organized through collaboration among schools, communities, and health providers; and

WHEREAS, school-based health centers utilize an interdisciplinary team approach to providing access to coordinated primary health care within the context of family and community; and

WHEREAS, school-based health centers operate exclusively for the purpose of providing health services, such as primary care, preventive health care, management and monitoring of chronic health conditions, behavioral health care, oral health care, and health promotion services; and

WHEREAS, school-based health centers can be the first, and at times the only, access point for continuous and comprehensive care for children with a variety of complex medical, behavioral, and social needs; and

WHEREAS, school-based health centers can reduce emergency room use and hospitalizations and provide access to and increase use of primary care, especially among children with chronic diseases, such as asthma; and

WHEREAS, school-based health centers have been proven to reduce costs to the Medicaid program through reductions in pharmacy costs, emergency department visits, hospitalizations, and use of non-emergency transportation; and

WHEREAS, Georgia ranks 42nd among the states in its development of school-based health centers.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

(1) **Creation of House study committee.** There is created the House Study Committee on Health, Education, and School-Based Health Centers.

(2) **Members and officers.** The committee shall be composed of five members. The Speaker of the House of Representatives shall appoint five members of the House of Representatives as members of the committee, one of whom shall be a member of the minority party, and shall designate one of such members as chairperson. The committee may elect other officers as deemed necessary.

(3) **Powers and duties.** The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate. The chairperson may designate and appoint subcommittees from among the membership of the committee and may also appoint other persons to perform such functions as he or she may determine to be necessary as relevant to and consistent with this resolution.

(4) **Meetings.** The chairperson shall call all meetings of the committee. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The chairperson shall only vote to break a tie. A quorum for transacting business shall be a majority of the members of the committee.

(5) **Allowances and funding.** The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of

Georgia Annotated. The allowances authorized by this resolution shall not be received by any member of the committee for more than five days unless additional days are authorized. Funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the House of Representatives.

(6) Report.

(A) The committee shall make recommendations regarding the creation of a state-wide plan to promote development and funding of comprehensive school-based health centers in underserved communities in Georgia. The chairperson shall file a report regarding such recommendations prior to the date of abolishment specified in this resolution.

(B) No report shall be filed unless the same has been approved prior to the date of abolishment specified in this resolution by majority vote of a quorum of the committee. A report so approved shall be signed by the chairperson of the committee and filed with the Clerk of the House of Representatives.

(C) In the absence of an approved report, the chairperson may file with the Clerk of the House of Representatives copies of the minutes of the meetings of the committee in lieu thereof.

(7) Abolishment. The committee shall stand abolished on December 1, 2015.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	E Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites

Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 160, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

SB 119. By Senators Jeffares of the 17th, Jones of the 25th, Tolleson of the 20th, Gooch of the 51st and Ginn of the 47th:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate the first Monday in May of each year as "Water Professionals Appreciation Day" in Georgia; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	E Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Taylor, D
Y Broadrick	Ealum	Y Jones, J	Y Prince	Y Taylor, T

Y Brockway	Y Efstoration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

SR 26. By Senator Ligon, Jr. of the 3rd:

A RESOLUTION creating the Joint House and Senate Coastal Greenway Study Committee; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Deffenbaugh	E Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D

Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstrotation	Jones, J.B.	Y Pruettt	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Clark, D	Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 160, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to revise provisions regarding licensing for the operation of motor vehicles and the operation of motor vehicles; to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire

intrastate motor carriers and intrastate motor carriers; to amend Article 2 of Chapter 3 of Title 3, Article 1 of Chapter 11 of Title 19, Chapter 2 of Title 20, and Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, the Child Support Recovery Act, elementary and secondary education, and drivers' licenses, respectively, so as to repeal certain provisions for driver's license suspensions not directly related to traffic safety; to provide for the issuance of an ignition interlock device limited driving permit; to revise penalties for pleas of nolo contendere regarding driver's license suspensions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subparagraph (A) of paragraph (8.3) of Code Section 40-1-1, relating to definitions, as follows:

"(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of ~~4,537~~ 4,536 kg (10,001 lbs.) or more;"

SECTION 1-2.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as follows:

"(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and effect on January 1, ~~2014~~ 2015."

SECTION 1-3.

Said title is further amended by revising Code Section 40-2-1, relating to definitions, as follows:

"40-2-1.

As used in this chapter, the term:

- (1) 'Cancellation of vehicle registration' means the annulment or termination by formal action of the department of a person's vehicle registration because of an error or defect in the registration or because the person is no longer entitled to such registration. The cancellation of registration is without prejudice and application for a new registration may be made at any time after such cancellation.
- (2) 'Commissioner' means the state revenue commissioner.
- (3) 'Department' means the Department of Revenue.

(4) 'For-hire intrastate motor carrier' means an entity engaged in the transportation of goods or ten or more passengers for compensation wholly within the boundaries of this state.

(5) 'Intrastate motor carrier' means any self-propelled or towed motor vehicle operated by an entity that is used on a highway in intrastate commerce to transport passengers or property and:

(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is greater;

(B) Is designed or used to transport more than ten passengers, including the driver, and is not used to transport passengers for compensation; or

(C) Is used to transport material found by the United States Secretary of Transportation to be hazardous pursuant to 49 U.S.C. Section 5103 and is transported in any quantity.

~~(4)~~(6) 'Motor carrier' means:

(A) Any entity subject to the terms of the Unified Carrier Registration Agreement pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate commerce, or both; or

(B) Any entity defined by the commissioner or commissioner of public safety who operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5 or this chapter whether operated in interstate or intrastate commerce, or both.

~~(5)~~(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902, 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

~~(6)~~(8) 'Regulatory compliance inspection' means the examination of facilities, property, buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting documentation kept or required to be kept in the normal course of motor carrier business or enterprise operations.

~~(7)~~(9) 'Resident' means a person who has a permanent home or domicile in Georgia and to which, having been absent, he or she has the intention of returning. For the purposes of this chapter, there is a rebuttable presumption that any person who, except for infrequent, brief absences, has been present in the state for 30 or more days is a resident.

~~(8)~~(10) 'Revocation of vehicle registration' means the termination by formal action of the department of a vehicle registration, which registration shall not be subject to renewal or reinstatement, except that an application for a new registration may be presented and acted upon by the department after the expiration of the applicable period of time prescribed by law.

~~(9)~~(11) 'Suspension of vehicle registration' means the temporary withdrawal by formal action of the department of a vehicle registration, which temporary withdrawal shall be for a period specifically designated by the department."

SECTION 1-4.

Said title is further amended by revising subsections (d), (e), and (f) of Code Section 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of 2005 by the Department of Public Safety, registration and fee requirements, evidence of continuing education, requirements for obtaining operating authority, collection, retention, and utilization of fees, regulatory compliance inspections, and penalties, as follows:

"(d)(1) Any intrastate motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in intrastate commerce and operates a motor vehicle on or over any public highway of this state shall register with the commissioner and pay a fee determined by the commissioner.

(2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed with the commissioner ~~or the Federal Motor Carrier Safety Administration or any successor agency~~ a certificate of insurance for such applicant or holder, on forms prescribed by the commissioner, evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state. Such policy shall provide for the protection of passengers in passenger vehicles and the protection of the public against the negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is determined to be the proximate cause of any injury. The commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. Failure to file any form required by the commissioner shall not diminish the rights of any person to pursue an action directly against a for-hire intrastate motor carrier's insurer. The insurer may file its certificate of insurance electronically with the commissioner.

(3) The commissioner shall have the power to permit self-insurance in lieu of a policy of indemnity insurance whenever in his or her opinion the financial ability of the motor carrier so warrants.

(4) Any person having a cause of action, whether arising in tort or contract, under this Code section may join in the same cause of action the motor carrier and its insurance carrier.

(e) Before any intrastate motor carrier engaged in exempt passenger intrastate commerce shall operate any motor vehicle on or over any public highway of this state, the intrastate motor carrier shall register with the commissioner and pay a fee determined by the commissioner.

(f) Prior to the issuance of the initial registration to any intrastate motor carrier ~~Before any motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005 by the Department of Public Safety pursuant to subsection (d) or (e) of this Code section,~~ that intrastate motor carrier shall furnish evidence to the Department of Public Safety that the intrastate motor carrier, through an authorized representative, has completed, within the preceding 12 months, an educational seminar on motor carrier operations and safety regulations that has been certified by the commissioner."

PART II
SECTION 2-1.

Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, is amended in Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23, by revising paragraph (3) of subsection (b) as follows:

~~"(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this subsection, the driver's license of any person convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for six months and upon the second or subsequent conviction shall be suspended for one year."~~

SECTION 2-2.

Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Support Recovery Act, is amended in Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with child support order, interagency agreements, and report to General Assembly, by adding a new subsection to read as follows:

"(p) The department shall inform delinquent obligors of resources available which may remedy such delinquent obligor's license suspension."

SECTION 2-3.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (f) of Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement the Quality Basic Education Program, and the state-wide comprehensive educational information network, as follows:

"(f) Notwithstanding any other provision of law, the Department of Education is authorized to and shall obtain and provide to the Department of ~~Public Safety~~ Driver Services, in a form to be agreed upon between the Department of Education and the Department of ~~Public Safety~~ Driver Services, enrollment, ~~attendance~~ expulsion, and suspension information regarding minors 15 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22."

SECTION 2-4.

Said chapter is further amended by revising paragraph (5) of subsection (b) and paragraph (6) of subsection (c) of Code Section 20-2-690, relating to educational entities and requirements by private schools and home study programs, as follows:

"(5) Within 30 days after the beginning of each school year, it shall be the duty of the administrator of each private school to provide to the school superintendent of each local public school district which has residents enrolled in the private school a list of

the name, age, and residence of each resident so enrolled. At the end of each school month, it shall be the duty of the administrator of each private school to notify the school superintendent of each local public school district of the name, age, and residence of each student residing in the public school district who enrolls or terminates enrollment at the private school during the immediately preceding school month. Such records shall indicate when attendance has been suspended and the grounds for such suspension. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22; and"

"(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance enrollment by the Department of Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;"

SECTION 2-5.

Said chapter is further amended by revising subsection (g) of Code Section 20-2-690.2, relating to the establishment of student attendance protocol committee, membership and protocol, summary of penalties for failure to comply, and reporting, as follows:

"(g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for children in need of services and possible denial ~~or suspension~~ of a driver's license for a child in accordance with Code Section 40-5-22."

SECTION 2-6.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-697, relating to cooperation of principals and teachers in public schools with visiting teachers and attendance officers, attendance reports and records kept by public schools, and letter indicating enrollment, as follows:

"(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing,

to the visiting teacher or attendance officer of the local school system the names, ages, and residences of all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance enrollment by the Department of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320."

SECTION 2-7.

Said chapter is further amended by revising Code Section 20-2-701, relating to responsibility for reporting truants to juvenile or other courts, as follows:

"20-2-701.

(a) Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

~~(b) Local school superintendents or visiting teachers and attendance officers shall use their best efforts to notify any child 14 years of age or older who has only three absences remaining prior to violating the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such notification shall be made via first-class mail.~~

~~(c) Local school superintendents or visiting teachers and attendance officers shall report to the State Board of Education, which shall, in turn, report to the Department of Driver Services any child 14 years of age or older who does not meet the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such report shall include the child's name, current address, and social security number, if known.~~

~~(d) Subsections (b) and (c) of this Code section shall not be effective until full implementation of the state-wide education information system."~~

SECTION 2-8.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising subsection (a.1) of Code Section 40-5-22, relating to persons not to be licensed, minimum age for licensees, school attendance requirements, and driving training requirements, as follows:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in a postsecondary school, is pursuing a general educational development (GED) diploma, or the records of the department indicate that said applicant:

(A) Is enrolled in and not under expulsion from a public or private school ~~and has satisfied relevant attendance requirements as set forth in paragraph (2) of this subsection for a period of one academic year prior to application for an instruction permit or driver's license;~~ or

(B) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program.

The department shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application.

~~(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school or who is pursuing a general educational development (GED) diploma that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the department receives notice that indicates that such minor:~~

~~(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;~~

~~(B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or~~

~~(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:~~

~~(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;~~

- ~~(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored event;~~
- ~~(iii) Possession or use of a firearm in violation of Code Section 16-11-127.1 or possession or use of a dangerous weapon as defined in Code Section 16-11-121 but shall not include any part of an exhibit brought to school in connection with a school project;~~
- ~~(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or~~
- ~~(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.~~

~~Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first.~~

~~(3)(2) The State Board of Education and the commissioner of driver services are authorized to promulgate rules and regulations to implement the provisions of this subsection.~~

~~(4)(3) The Technical College System of Georgia shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."~~

SECTION 2-9.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating to mandatory suspension of license and notice of suspension, as follows:

"(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the license of any driver upon receiving a record of such driver's conviction of the following offenses, whether charged as a violation of state law or of a local ordinance adopted pursuant to Article 14 of Chapter 6 of this title:

- (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- (2) Any felony in the commission of which a motor vehicle is used;
- (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- (4) Racing on highways and streets;
- (5) Using a motor vehicle in fleeing or attempting to elude an officer; or
- ~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section 40-5-120 or 40-5-125;~~
- ~~(7)~~(6) Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of Code Section 40-6-15; ~~or~~
- ~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to an identification document as defined in Code Section 16-9-4."~~

SECTION 2-10.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, suspension of licenses of persons under age 18 for certain point accumulations, and reinstatement of license following suspension, as follows:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation of Code Section 40-6-391 shall be suspended by the department as provided by this Code section; and the driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. Such license shall be surrendered within ten days of notification of such suspension. Notice given by certified mail or statutory overnight delivery, return

receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice."

SECTION 2-11.

Said chapter is further amended by repealing in its entirety Code Section 40-5-57.2, relating to suspension based on violation of Code Section 40-6-255, and designating said Code section as reserved.

SECTION 2-12.

Said chapter is further amended by repealing in their entirety subsections (e) and (f) of Code Section 40-5-63, relating to periods of suspension and conditions of return of license.

SECTION 2-13.

Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising paragraph (1) of subsection (a) and subsection (c.1) as follows:

"(a) **To whom issued.**

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit."

(c.1) **Exception to standards for approval.**

~~(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.~~

~~(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely a motor vehicle equipped with an ignition interlock device meeting the requirements of Article 7 of Chapter 8 of Title 42. for the following purposes:~~

~~(A) Going to his or her place of employment;~~

- ~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~
- ~~(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and~~
- ~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.~~

SECTION 2-14.

Said chapter is further amended by revising Code Section 40-5-75, relating to suspension of licenses by operation of law, as follows:

"40-5-75.

(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of ~~Except as provided in Code Section 40-5-76, the driver's license of any person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana, in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:~~

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (e) of this Code section, constitute a conviction;~~

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of~~

~~nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction; and~~

(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of~~

~~nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction.~~

~~(a.1) Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department.~~

~~(b) Except as provided in Code Section 40-5-76, whenever a person is convicted of possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or driving or being in actual physical control of any moving vehicle while under the influence of such substance a controlled substance or marijuana in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391; or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur.~~

~~(c)(1) The decision to accept a plea of nolo contendere to a misdemeanor charge of unlawful possession of less than one ounce of marijuana shall be at the sole discretion of the judge. If a plea of nolo contendere is accepted as provided in this subsection, the judge shall, as a part of the disposition of the case, order the defendant to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate that the defendant shall complete such program within 120 days and that the defendant shall submit evidence of such completion to the department. The judge shall also notify the defendant that, if he or she fails to complete such program by the date specified in the court's order, his or her driver's license shall be suspended, by operation of law, as provided in this Code section. The record of the disposition of the case shall be forwarded to the department.~~

~~(2) If a plea of nolo contendere is accepted and the defendant's driver's license has not been suspended under any other provision of this title and if the defendant has not been convicted of or has not had a plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, the court shall, subject to paragraph (1) of this subsection, return the driver's license to the person; otherwise, such driver's license shall be forwarded to the department.~~

~~(d)(c) Application for reinstatement of a driver's license under paragraph (1) or (2) of subsection (a) of this Code section shall be made on such forms as the commissioner~~

may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. Application for a three-year driving permit under paragraph (3) of subsection (a) of this Code section shall be made on such form as the commissioner may prescribe and shall be accompanied by proof of completion of an approved residential drug treatment program and a fee of \$25.00 for such permit.

~~(e)~~(d) Notwithstanding any other provision of this Code section or any other provision of this chapter, any person whose license is suspended pursuant to this Code section shall not be eligible for early reinstatement of his or her license and shall not be eligible for a limited driving permit, but such person's license shall be reinstated only as provided in this Code section or Code Section 40-5-76.

~~(f)~~(e) Except as provided in subsection (a) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person's license has been suspended pursuant to this Code section if such person has not thereafter obtained a valid license. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or issued such person a three-year driving permit shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

~~(g)~~ Notwithstanding the provisions of Code Section 15-11-606 and except as provided in subsection (e) of this Code section, an adjudication of a minor child as a delinquent child for any offense listed in subsection (a) of this Code section shall be deemed a conviction for purposes of this Code section.

~~(h)~~(f) Licensed Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court.

~~(i)~~(g) Notwithstanding any other provision of this chapter to the contrary, the suspension imposed pursuant to this Code section shall be in addition to and run consecutively to any other suspension imposed by the department at the time of the conviction that results in said suspension. If the person has never been issued a driver's license in the State of Georgia or holds a driver's license issued by another state, the person shall not be eligible for a driver's license for the applicable period of suspension following his or her submission of an application for issuance thereof."

SECTION 2-15.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 40-5-121, relating to driving while license suspended or revoked, as follows:

"(b)(1) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection ~~(f)~~ (e) of Code Section 40-5-75, shall extend the period of suspension or disqualification by six months. Upon the expiration of six months from the date on

which the suspension or disqualification is extended and payment of the applicable reinstatement fee, the department shall reinstate the license. The reinstatement fee for a first such conviction within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction within a five-year period shall be \$410.00 or \$400.00 if paid by mail."

PART III
SECTION 3-1.

This Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date.

SECTION 3-2.

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

The following substitute, offered by the Committee on Rules, was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to revise provisions regarding licensing for the operation of motor vehicles and the operation of motor vehicles; to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to amend Article 2 of Chapter 3 of Title 3, Article 1 of Chapter 11 of Title 19, Chapter 2 of Title 20, and Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, the Child Support Recovery Act, elementary and secondary education, and drivers' licenses, respectively, so as to repeal certain provisions for driver's license suspensions not directly related to traffic safety; to provide for the issuance of an ignition interlock device limited driving permit; to revise penalties for pleas of nolo contendere regarding driver's license suspensions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subparagraph (A) of paragraph (8.3) of Code Section 40-1-1, relating to definitions, as follows:

"(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of ~~4,537~~ 4,536 kg (10,001 lbs.) or more;"

SECTION 1-2.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as follows:

"(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and effect on January 1, ~~2014~~ 2015."

SECTION 1-3.

Said title is further amended by revising Code Section 40-2-1, relating to definitions, as follows:

"40-2-1.

As used in this chapter, the term:

(1) 'Cancellation of vehicle registration' means the annulment or termination by formal action of the department of a person's vehicle registration because of an error or defect in the registration or because the person is no longer entitled to such registration. The cancellation of registration is without prejudice and application for a new registration may be made at any time after such cancellation.

(2) 'Commissioner' means the state revenue commissioner.

(3) 'Department' means the Department of Revenue.

(4) 'For-hire intrastate motor carrier' means an entity engaged in the transportation of goods or ten or more passengers for compensation wholly within the boundaries of this state.

(5) 'Intrastate motor carrier' means any self-propelled or towed motor vehicle operated by an entity that is used on a highway in intrastate commerce to transport passengers or property and:

(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is greater;

(B) Is designed or used to transport more than ten passengers, including the driver, and is not used to transport passengers for compensation; or

(C) Is used to transport material found by the United States Secretary of Transportation to be hazardous pursuant to 49 U.S.C. Section 5103 and is transported in any quantity.

~~(4)~~(6) 'Motor carrier' means:

(A) Any entity subject to the terms of the Unified Carrier Registration Agreement pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate commerce, or both; or

(B) Any entity defined by the commissioner or commissioner of public safety who operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5 or this chapter whether operated in interstate or intrastate commerce, or both.

~~(5)~~(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902, 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

~~(6)~~(8) 'Regulatory compliance inspection' means the examination of facilities, property, buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting documentation kept or required to be kept in the normal course of motor carrier business or enterprise operations.

~~(7)~~(9) 'Resident' means a person who has a permanent home or domicile in Georgia and to which, having been absent, he or she has the intention of returning. For the purposes of this chapter, there is a rebuttable presumption that any person who, except for infrequent, brief absences, has been present in the state for 30 or more days is a resident.

~~(8)~~(10) 'Revocation of vehicle registration' means the termination by formal action of the department of a vehicle registration, which registration shall not be subject to renewal or reinstatement, except that an application for a new registration may be presented and acted upon by the department after the expiration of the applicable period of time prescribed by law.

~~(9)~~(11) 'Suspension of vehicle registration' means the temporary withdrawal by formal action of the department of a vehicle registration, which temporary withdrawal shall be for a period specifically designated by the department."

SECTION 1-4.

Said title is further amended by revising subsections (d), (e), and (f) of Code Section 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of 2005 by the Department of Public Safety, registration and fee requirements, evidence of continuing education, requirements for obtaining operating authority, collection, retention, and utilization of fees, regulatory compliance inspections, and penalties, as follows:

"(d)(1) Any intrastate motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in intrastate commerce and operates a motor vehicle on or over any public highway of this state shall register with the commissioner and pay a fee determined by the commissioner.

(2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed with the commissioner ~~or the Federal Motor Carrier Safety Administration or any successor agency~~ a certificate of insurance for such applicant or holder, on forms prescribed by the commissioner, evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state. Such policy shall provide for the protection of passengers in passenger vehicles and the protection of the public

against the negligence of such for-hire intrastate motor carrier, and its servants or agents, when it is determined to be the proximate cause of any injury. The commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. Failure to file any form required by the commissioner shall not diminish the rights of any person to pursue an action directly against a for-hire intrastate motor carrier's insurer. The insurer may file its certificate of insurance electronically with the commissioner.

(3) The commissioner shall have the power to permit self-insurance in lieu of a policy of indemnity insurance whenever in his or her opinion the financial ability of the motor carrier so warrants.

(4) Any person having a cause of action, whether arising in tort or contract, under this Code section may join in the same cause of action the motor carrier and its insurance carrier.

(e) Before any intrastate motor carrier engaged in exempt passenger intrastate commerce shall operate any motor vehicle on or over any public highway of this state, the intrastate motor carrier shall register with the commissioner and pay a fee determined by the commissioner.

(f) Prior to the issuance of the initial registration to any intrastate motor carrier ~~Before any motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005 by the Department of Public Safety pursuant to subsection (d) or (e) of this Code section,~~ that intrastate motor carrier shall furnish evidence to the Department of Public Safety that the intrastate motor carrier, through an authorized representative, has completed, within the preceding 12 months, an educational seminar on motor carrier operations and safety regulations that has been certified by the commissioner."

PART II SECTION 2-1.

Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, is amended in Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23, by revising paragraph (3) of subsection (b) as follows:

~~"(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this subsection, the driver's license of any person convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for six months and upon the second or subsequent conviction shall be suspended for one year."~~

SECTION 2-2.

Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Support Recovery Act, is amended in Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with child support order, interagency

agreements, and report to General Assembly, by adding a new subsection to read as follows:

"(p) The department shall inform delinquent obligors of resources available which may remedy such delinquent obligor's license suspension."

SECTION 2-3.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (f) of Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement the Quality Basic Education Program, and the state-wide comprehensive educational information network, as follows:

"(f) Notwithstanding any other provision of law, the Department of Education is authorized to and shall obtain and provide to the Department of ~~Public Safety~~ Driver Services, in a form to be agreed upon between the Department of Education and the Department of ~~Public Safety~~ Driver Services, enrollment, ~~attendance~~ expulsion, and suspension information regarding minors 15 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22."

SECTION 2-4.

Said chapter is further amended by revising paragraph (5) of subsection (b) and paragraph (6) of subsection (c) of Code Section 20-2-690, relating to educational entities and requirements by private schools and home study programs, as follows:

"(5) Within 30 days after the beginning of each school year, it shall be the duty of the administrator of each private school to provide to the school superintendent of each local public school district which has residents enrolled in the private school a list of the name, age, and residence of each resident so enrolled. At the end of each school month, it shall be the duty of the administrator of each private school to notify the school superintendent of each local public school district of the name, age, and residence of each student residing in the public school district who enrolls or terminates enrollment at the private school during the immediately preceding school month. Such records shall indicate when attendance has been suspended and the grounds for such suspension. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22; and"

"(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of ~~attendance~~ enrollment by the Department of

Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;"

SECTION 2-5.

Said chapter is further amended by revising subsection (g) of Code Section 20-2-690.2, relating to the establishment of student attendance protocol committee, membership and protocol, summary of penalties for failure to comply, and reporting, as follows:

"(g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for children in need of services and possible denial ~~or suspension~~ of a driver's license for a child in accordance with Code Section 40-5-22."

SECTION 2-6.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-697, relating to cooperation of principals and teachers in public schools with visiting teachers and attendance officers, attendance reports and records kept by public schools, and letter indicating enrollment, as follows:

"(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing, to the visiting teacher or attendance officer of the local school system the names, ages, and residences of all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department of ~~Public Safety~~ Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320."

SECTION 2-7.

Said chapter is further amended by revising Code Section 20-2-701, relating to responsibility for reporting truants to juvenile or other courts, as follows:

"20-2-701.

(a) Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

~~(b) Local school superintendents or visiting teachers and attendance officers shall use their best efforts to notify any child 14 years of age or older who has only three absences remaining prior to violating the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such notification shall be made via first-class mail.~~

~~(c) Local school superintendents or visiting teachers and attendance officers shall report to the State Board of Education, which shall, in turn, report to the Department of Driver Services any child 14 years of age or older who does not meet the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such report shall include the child's name, current address, and social security number, if known.~~

~~(d) Subsections (b) and (c) of this Code section shall not be effective until full implementation of the state-wide education information system."~~

SECTION 2-8.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising subsection (a.1) of Code Section 40-5-22, relating to persons not to be licensed, minimum age for licensees, school attendance requirements, and driving training requirements, as follows:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in a postsecondary school, is pursuing a general educational development (GED) diploma, or the records of the department indicate that said applicant:

(A) Is enrolled in and not under expulsion from a public or private school ~~and has satisfied relevant attendance requirements as set forth in paragraph (2) of this~~

~~subsection for a period of one academic year prior to application for an instruction permit or driver's license; or~~

~~(B) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program.~~

The department shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application.

~~(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school or who is pursuing a general educational development (GED) diploma that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the department receives notice that indicates that such minor:~~

~~(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;~~

~~(B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or~~

~~(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:~~

~~(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;~~

~~(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored event;~~

~~(iii) Possession or use of a firearm in violation of Code Section 16-11-127.1 or possession or use of a dangerous weapon as defined in Code Section 16-11-121 but shall not include any part of an exhibit brought to school in connection with a school project;~~

~~(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or~~

~~(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.~~

~~Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind~~

~~such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first.~~

~~(3)(2)~~ The State Board of Education and the commissioner of driver services are authorized to promulgate rules and regulations to implement the provisions of this subsection.

~~(4)(3)~~ The Technical College System of Georgia shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."

SECTION 2-9.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating to mandatory suspension of license and notice of suspension, as follows:

"(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the license of any driver upon receiving a record of such driver's conviction of the following offenses, whether charged as a violation of state law or of a local ordinance adopted pursuant to Article 14 of Chapter 6 of this title:

- (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- (2) Any felony in the commission of which a motor vehicle is used;
- (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- (4) Racing on highways and streets;
- (5) Using a motor vehicle in fleeing or attempting to elude an officer; or
- ~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section 40-5-120 or 40-5-125;~~
- ~~(7)(6)~~ Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of Code Section 40-6-15; ~~or~~
- ~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to an identification document as defined in Code Section 16-9-4."~~

SECTION 2-10.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, suspension of licenses of persons under age 18 for certain point accumulations, and reinstatement of license following suspension, as follows:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation of Code Section 40-6-391 shall be suspended by the department as provided by this Code section; and the driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. Such license shall be surrendered within ten days of notification of such suspension. Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice."

SECTION 2-11.

Said chapter is further amended by repealing in its entirety Code Section 40-5-57.2, relating to suspension based on violation of Code Section 40-6-255, and designating said Code section as reserved.

SECTION 2-12.

Said chapter is further amended by repealing in their entirety subsections (e) and (f) of Code Section 40-5-63, relating to periods of suspension and conditions of return of license.

SECTION 2-13.

Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising paragraph (1) of subsection (a) and subsection (c.1) as follows:

"(a) **To whom issued.**

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within

five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit."

"(c.1) Exception to standards for approval.

~~(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (e) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.~~

~~(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely a motor vehicle equipped with an ignition interlock device meeting the requirements of Article 7 of Chapter 8 of Title 42. for the following purposes:~~

~~(A) Going to his or her place of employment;~~

~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~

~~(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and~~

~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider."~~

SECTION 2-14.

Said chapter is further amended by revising Code Section 40-5-75, relating to suspension of licenses by operation of law, as follows:

"40-5-75.

(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of ~~Except as provided in Code Section 40-5-76, the driver's license of any person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana, in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the law of any other~~

jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;~~

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction; and~~

(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the

applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

- (i) Going to his or her place of employment or performing the normal duties of his or her occupation;
- (ii) Receiving scheduled medical care or obtaining prescription drugs;
- (iii) Attending a college or school at which he or she is regularly enrolled as a student; or
- (iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction.

~~(a.1) Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department.~~

(b) Except as provided in Code Section 40-5-76, whenever a person is convicted of ~~possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or driving or being in actual physical control of any moving vehicle while under the influence of such substance~~ a controlled substance or marijuana in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391; or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license

and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur.

~~(c)(1) The decision to accept a plea of nolo contendere to a misdemeanor charge of unlawful possession of less than one ounce of marijuana shall be at the sole discretion of the judge. If a plea of nolo contendere is accepted as provided in this subsection, the judge shall, as a part of the disposition of the case, order the defendant to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate that the defendant shall complete such program within 120 days and that the defendant shall submit evidence of such completion to the department. The judge shall also notify the defendant that, if he or she fails to complete such program by the date specified in the court's order, his or her driver's license shall be suspended, by operation of law, as provided in this Code section. The record of the disposition of the case shall be forwarded to the department.~~

~~(2) If a plea of nolo contendere is accepted and the defendant's driver's license has not been suspended under any other provision of this title and if the defendant has not been convicted of or has not had a plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, the court shall, subject to paragraph (1) of this subsection, return the driver's license to the person; otherwise, such driver's license shall be forwarded to the department.~~

~~(d)(c)~~ Application for reinstatement of a driver's license under paragraph (1) or (2) of subsection (a) of this Code section shall be made on such forms as the commissioner may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. Application for a three-year driving permit under paragraph (3) of subsection (a) of this Code section shall be made on such form as the commissioner may prescribe and shall be accompanied by proof of completion of an approved residential drug treatment program and a fee of \$25.00 for such permit.

~~(e)(d)~~ Notwithstanding any other provision of this Code section or any other provision of this chapter, any person whose license is suspended pursuant to this Code section shall not be eligible for early reinstatement of his or her license and shall not be eligible for a limited driving permit, but such person's license shall be reinstated only as provided in this Code section or Code Section 40-5-76.

~~(f)(e)~~ Except as provided in subsection (a) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person's license has been suspended pursuant to this Code section if such person has not thereafter obtained a valid license. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or issued such person a three-year driving permit shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

~~(g) Notwithstanding the provisions of Code Section 15-11-606 and except as provided in subsection (c) of this Code section, an adjudication of a minor child as a delinquent~~

~~child for any offense listed in subsection (a) of this Code section shall be deemed a conviction for purposes of this Code section.~~

~~(h)(f) Licensed Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court.~~

~~(i)(g) Notwithstanding any other provision of this chapter to the contrary, the suspension imposed pursuant to this Code section shall be in addition to and run consecutively to any other suspension imposed by the department at the time of the conviction that results in said suspension. If the person has never been issued a driver's license in the State of Georgia or holds a driver's license issued by another state, the person shall not be eligible for a driver's license for the applicable period of suspension following his or her submission of an application for issuance thereof."~~

SECTION 2-15.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 40-5-121, relating to driving while license suspended or revoked, as follows:

"(b)(1) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection ~~(f)~~ (e) of Code Section 40-5-75, shall extend the period of suspension or disqualification by six months. Upon the expiration of six months from the date on which the suspension or disqualification is extended and payment of the applicable reinstatement fee, the department shall reinstate the license. The reinstatement fee for a first such conviction within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction within a five-year period shall be \$410.00 or \$400.00 if paid by mail."

PART III SECTION 3-1.

This Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date.

SECTION 3-2.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, by substitute.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 1:15 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

Your Committee on Education has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 89 Do Pass, by Substitute

Respectfully submitted,
/s/ Coleman of the 97th
Chairman

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HR 767 Do Pass, by Substitute
HR 805 Do Not Pass

Respectfully submitted,
/s/ Cooper of the 43rd
Chairman

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 141 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 32nd
Chairman

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 397. By Representatives Knight of the 130th, Roberts of the 155th, Houston of the 170th, Nimmer of the 178th, McCall of the 33rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, so as to revise provisions relating to the State Soil and Water Conservation Commission; to provide for administrative attachment; to provide for appointment to the commission; to remove authority related to eminent domain; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, so as to provide for erosion manual publication oversight; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 812. By Representative Kidd of the 145th:

A RESOLUTION recognizing July 26, 2015, as the 25th anniversary of the Americans with Disabilities Act; and for other purposes.

HR 813. By Representatives Epps of the 144th and Dickey of the 140th:

A RESOLUTION commending David Martin, Covenant Academy's 2015 STAR Teacher; and for other purposes.

HR 814. By Representative Epps of the 144th:

A RESOLUTION commending Randy Glover, Jones County High School's 2015 STAR Teacher; and for other purposes.

HR 815. By Representative Epps of the 144th:

A RESOLUTION commending Drew Belflower, Bleckley County High School's 2015 STAR Student; and for other purposes.

HR 816. By Representative Epps of the 144th:

A RESOLUTION commending Brian Wynne, Bleckley County High School's 2015 STAR Teacher; and for other purposes.

HR 817. By Representative Epps of the 144th:

A RESOLUTION commending Emily London, Covenant Academy's 2015 STAR Student; and for other purposes.

HR 818. By Representative Epps of the 144th:

A RESOLUTION commending Adam Sole, Jones County High School's 2015 STAR Student; and for other purposes

HR 819. By Representatives Coleman of the 97th, Dudgeon of the 25th, Stovall of the 74th, Cantrell of the 22nd, Maxwell of the 17th and others:

A RESOLUTION commending science, technology, engineering, and math (STEM) and recognizing May 8, 2015, as Georgia STEM Day at the state capitol; and for other purposes.

HR 820. By Representative Kirby of the 114th:

A RESOLUTION commending Casey Lambert, Loganville High School's 2015 STAR Student; and for other purposes.

HR 821. By Representatives Dawkins-Haigler of the 91st, Anderson of the 92nd, Dukes of the 154th, Scott of the 76th, Sharper of the 177th and others:

A RESOLUTION commending Mrs. Dupe Atoki, the Director General of Consumer Protection Council (CPC); and for other purposes.

HR 822. By Representatives Dawkins-Haigler of the 91st, Anderson of the 92nd, Dukes of the 154th, Scott of the 76th, Sharper of the 177th and others:

A RESOLUTION commending Dr. William H. Boone; and for other purposes

HR 823. By Representative Kirby of the 114th:

A RESOLUTION commending Gavin Ashwood, Loganville Christian Academy's 2015 STAR Student; and for other purposes.

HR 824. By Representatives Dukes of the 154th, Greene of the 151st, Ealum of the 153rd, Rogers of the 29th, England of the 116th and others:

A RESOLUTION commending Albany State University and recognizing March 31, 2015, as Albany State University Day at the state capitol; and for other purposes.

HR 825. By Representatives Dukes of the 154th, Greene of the 151st and Ealum of the 153rd:

A RESOLUTION recognizing and commending Bishop Victor L. Powell on the occasion of his 25th pastoral anniversary; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 194. By Senators Jeffares of the 17th, Millar of the 40th, Watson of the 1st, Burke of the 11th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions regarding pharmacists and pharmacies, so as to provide that certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility engaged solely in the distribution of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that certain criteria are met; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to revise the definition of "practitioner"; to provide that certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility engaged solely in the distribution of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that certain criteria are met; to authorize certain refills by pharmacists of topical ophthalmic products under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising paragraph (33) of Code Section 26-4-5, relating to definitions, as follows:

"(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist, podiatrist, optometrist, or veterinarian and shall include any other person licensed under the laws of this state to use, mix, prepare, dispense, prescribe, and administer drugs in connection with medical treatment to the extent provided by the laws of this state."

SECTION 2.

Said chapter is further amended by adding a new Code section to read as follows:

"26-4-6.

The provisions of this chapter shall not apply to a facility engaged solely in the distribution of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that the following criteria are met:

- (1) The dialysate, drugs, or devices are approved or cleared by the federal Food and Drug Administration as required by federal law;
- (2) The dialysate, drugs, or devices are lawfully held by a manufacturer or manufacturer's agent that is properly registered with the board as a manufacturer or wholesale distributor;
- (3) The dialysate, drugs, or devices are held and delivered in their original, sealed packaging from the manufacturing facility;
- (4) The dialysate, drugs, or devices are delivered only by the manufacturer or the manufacturer's agent and only upon receipt of a physician's order; and
- (5) The manufacturer or manufacturer's agent delivers the dialysate, drugs, or devices directly to:
 - (A) A patient with end stage renal disease or such patient's designee for the patient's self-administration of the dialysis therapy; or
 - (B) A health care provider or institution for administration or delivery of the dialysis therapy to a patient with end stage renal disease."

SECTION 3.

Said chapter is further amended by revising subsection (f) of Code Section 26-4-80, relating to dispensing prescription drugs, as follows:

"(f)(1) When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. No prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the ~~prescriber~~ practitioner would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription.

(2) Notwithstanding paragraph (1) of this subsection, in order to prevent unintended interruptions in drug therapy for topical ophthalmic products:

(A) A pharmacist shall be authorized, without obtaining subsequent authorization from the practitioner or obtaining a new prescription from the practitioner, to permit refills at 70 percent of the predicted days of use; and

(B) At the patient's request, a practitioner shall be permitted to authorize refills earlier than 70 percent of the predicted days of use.

This paragraph shall apply to refills purchased through retail pharmacies and mail order sources."

SECTION 4.

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

The following amendment was read and adopted:

Representative Cooper of the 43rd offers the following amendment:

Amend the substitute to SB 194 (LC 33 6162S) by striking "dialysate, drugs." on lines 4, 21, 23, 25, 28, 30, and 32 and inserting in lieu thereof "dialysate drugs".

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R

Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Bruce	Y England	E Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

SB 195. By Senators Williams of the 27th, Stone of the 23rd, Ligon, Jr. of the 3rd, Hill of the 4th and Gooch of the 51st:

A BILL to be entitled an Act to amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to increase fees allowed for continuing education programs; to require bench warrants to be issued at the end of each court day; to provide for notices to be delivered and obtained using e-mail; to change provisions relating to principals who do not appear for court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to increase fees allowed for continuing education programs; to provide for notices to be delivered and obtained using e-mail; to change provisions relating to principals who do not appear for court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, is amended by revising subsection (b) of Code Section 17-6-50.1, relating to continuing education programs for professional bondsmen and fees, as follows:

"(b) The fee for continuing education programs for professional bondsmen shall not exceed ~~\$125.00~~ \$250.00 annually."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 17-6-71, relating to execution hearing on failure to appear, as follows:

"(a) The judge shall, at the end of the court day, upon the failure of the principal to appear, forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution hearing not sooner than 120 days but not later than 150 days after such failure to appear. Notice of the execution hearing shall be served by the clerk of the court in which the bond forfeiture occurred within ten days of such failure to appear by certified mail or by electronic means as provided in Code Section 17-6-50 to the surety at the address listed on the bond or by personal service to the surety within ten days of such failure to appear at its home office or to its designated registered agent. Service shall be considered complete upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly. If notice of the execution hearing is not served as specified in this subsection, the surety shall be relieved of liability on the appearance bond."

SECTION 3.

Said chapter is further amended by revising subsections (b) through (c.1) of Code Section 17-6-72, relating to conditions not warranting forfeiture of bond for failure to appear, as follows:

"(b) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown to the satisfaction of the court that the principal on the bond was prevented from attending because he or she was detained by reason of arrest, sentence, or confinement in a penal institution or jail in the State of Georgia, or so detained in another jurisdiction, or because he or she was involuntarily confined or detained pursuant to court order in a mental institution in the State of Georgia or in another jurisdiction. An

official written notice of the holding institution in which the principal is being detained or confined shall be considered proof of the principal's detention or confinement ~~and such.~~ Such notice may be sent from the holding institution by mail or e-mail or delivered by hand or by facsimile machine. Upon the presentation of such written notice to the clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction over the case, along with a letter of intent to pay all costs of returning the principal to the jurisdiction of the court, such notice and letter shall serve as the surety's request for a detainer or hold to be placed on the principal. Should there be a failure to place a detainer or hold within ten business days of the surety's service of a detainer or hold request, and after such presentation of such notice and letter of intent to pay costs, the surety shall then be relieved of the liability for the appearance bond without further order of the court.

(c) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown to the satisfaction of the court that prior to the entry of the judgment on the forfeiture the principal on the bond is in the custody of the sheriff or other responsible law enforcement agency. An official written notice of the holding institution in which the principal is being detained or confined shall be considered proof of the principal's detention or confinement ~~and such.~~ Such notice may be sent from the holding institution by mail or e-mail or delivered by hand or by facsimile machine. Upon presentation of such written notice to the clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction over the case along with a letter of intent to pay all costs of returning the principal to the jurisdiction of the court, such notice and letter shall serve as the surety's request for a detainer or hold to be placed against the principal. Should there be a failure to place a detainer or hold within ten business days of the surety's service of a detainer or hold request, and after presentation of such notice and letter of intent to pay costs, the surety shall then be relieved of the liability for the appearance bond without further order of the court.

(c.1) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown to the satisfaction of the court that the principal on the bond was prevented from attending because he or she was deported or removed from the United States by federal authorities. Official documentation ~~An official written notice of such deportation~~ from a federal official or agency shall be considered proof of the principal's deportation or removal. Such documentation may be delivered by mail or e-mail or delivered by hand or by facsimile machine."

SECTION 4.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
N Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	Jones, L	Y Quick	Y Thomas, A.M.
Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	E Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	N Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Coleman	Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 7.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

By unanimous consent, the following Resolution of the House, having been previously postponed, was again postponed until the next legislative day:

HR 620. By Representative Drenner of the 85th:

A RESOLUTION urging local boards of education in Georgia to provide educational awareness regarding renewable energy; and for other purposes.

Representative Rogers of the 29th moved that the following Resolution of the House be withdrawn from the General Calendar and recommitted to the Committee on Higher Education:

HR 71. By Representatives Gordon of the 163rd, Stephens of the 165th, Stephens of the 164th, Petrea of the 166th, Bryant of the 162nd and others:

A RESOLUTION creating the House Study Committee on the HOPE Scholarship Program Award Amount for Critical Fields of Study; and for other purposes.

The motion prevailed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 347. By Representatives Hightower of the 68th, Meadows of the 5th, Quick of the 117th, Kelley of the 16th, Efstoration of the 104th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury, so as to clarify provisions relating to interest on certain domestic relations cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Representative Parsons of the 44th District, Chairman of the Committee on Energy, Utilities, and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Energy, Utilities, and Telecommunications has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 191 Do Pass

Respectfully submitted,
/s/ Parsons of the 44th
Chairman

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 71 Do Pass, by Substitute
SB 18 Do Pass
SB 58 Do Pass

Respectfully submitted,
/s/ Rogers of the 29th
Chairman

Representative Knight of the 130th District, Chairman of the Special Committee on Small Business Development and Job Creation, submitted the following report:

Mr. Speaker:

Your Special Committee on Small Business Development and Job Creation has had under consideration the following Resolution of the Senate and has instructed me to report the same back to the House with the following recommendation:

SR 114 Do Pass

Respectfully submitted,
/s/ Knight of the 130th
Chairman

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Resolution of the Senate and has instructed me to report the same back to the House with the following recommendation:

SR 126 Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 155th
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.