

## 1-1-.15 Reinstatement and Issuance of a Commercial Driver's License following a Lifetime Disqualification

~~(1)~~ Any person who has been disqualified from operating a CMV for life, by the State of Georgia may apply to reinstate their commercial driving privileges after serving at least ten ~~(10)~~ years of such disqualification unless he/she was convicted of: using a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance; or Human Trafficking.

~~One (1) or more of the contributing traffic violations during the disqualification period was a conviction for vehicular homicide in the first degree, serious injury by vehicle, using a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or Human Trafficking.~~

~~(1) One (1) or more of the following contributing traffic violations during the two (2) year period preceding application for reinstatement: excessive speeding (15 mph or more above the posted limit), reckless driving, improper or erratic lane changes, following a vehicle too closely, traffic offenses committed in a CMV in connection with fatal traffic accidents, driving a CMV without obtaining a CDL or having a CDL in the driver's possession, and driving a CMV without the proper class of CDL and/or endorsements, violating the state's hands free driving law.~~

(2) No person with an active suspension, revocation, or any of the above disqualifications other than the aforementioned lifetime disqualification(s) shall be eligible to reinstate their commercial driving privileges under this rule.

(3) In order to be eligible for reinstatement of commercial driving privileges after a lifetime disqualification pursuant to paragraph (1), such person must provide acceptable documentation of the following:

A. Applicants must have a A driving record which reflects showing no major traffic violation(s) for a period of five ~~(5)~~ years prior to submitting such application. If the applicant was licensed in another jurisdiction(s) in the last five ~~(5)~~ years, they are required to submit a certified five ~~(5)~~ year (or more) copy of their driving record from each jurisdiction. For purposes of this regulation, the definition of "major traffic violation" in O.C.G.A. § 40-5-142 shall apply;

B. A driving record with no more than one (1) serious traffic violation during the two (2) year period preceding application for reinstatement.

B.C. A clinical evaluation conducted after the related violation date reflecting a determination that no treatment is recommended or proof of completion of recommended treatment, if either qualifying conviction that contributed to the lifetime disqualification involved alcohol. ~~If either disqualifying conviction which contributed to the lifetime disqualification involved alcohol, a clinical evaluation issued after the related violation date reflecting a determination that no treatment is recommended or completion of recommended treatment is required. For purposes of this regulation, the definition of "clinical evaluation" in O.C.G.A. § 40-5-1 shall apply;~~

A.D. If neither disqualifying conviction involved alcohol, a certificate of completion from a certified Driver Improvement course issued after the related violation date is required. ~~A certificate of completion from a certified Driver Improvement course issued after the related violation date if neither disqualifying conviction involved alcohol; and~~

B.E. An application fee of \$210. ~~and~~

~~(4)~~ (4) Issuance of a Georgia CDL Following Reinstatement of Commercial Driving Privileges

(a) Following reinstatement of commercial driving privileges ~~after a lifetime disqualification~~ pursuant to paragraph (1), a person who wishes to obtain a Georgia CDL must ~~complete~~ perform the following steps:

(i) ~~Upon A~~ successful completion of the applicable knowledge exam, after which such person shall be issued a CLP in such class. The CLP must be held for a minimum of ~~fourteen (14)~~ days prior to being administered the applicable skills test.

(ii) ~~Upon A~~ successful completion of the applicable skills test, ~~such person shall be issued~~ for issuance of a CDL.

~~(b) No person whose lifetime disqualification from operating a CMV has been reduced to ten (10) years pursuant to this regulation shall be eligible for a Hazardous Materials endorsement or a School Bus endorsement on any license or permit issued as a result thereof.~~

~~(be) If a person receives a conviction for a major traffic violation after they have who has been reinstated of their lifetime disqualification receives a subsequent conviction for a "Major Traffic Violation", they will not be eligible for a subsequent reinstatement of their commercial driving privileges.~~

~~(5) (5) Appeals of decisions related to the reinstatement and issuance of a CDL after serving at least ten (10) years of a lifetime disqualification~~

(a) Appeals of decisions related to the reinstatement and issuance of a CDL will be handled in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06, after serving at least ten (10) years of a lifetime disqualification must be submitted on the prescribed Department hearing request form electronically, by mail, or in-person within ten (10) days.

(b) The appeal must be submitted on the prescribed Department hearing request form electronically, by mail, or in-person within ten (10) days of notice of the decision. ~~process will be handled in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.~~

(c) Upon receipt of a timely, properly filed appeal, the Department will review and issue a final decision.

~~(6) (7) Requests to have lifetime disqualifications from operating a CMV reduced to ten (10) years and appeals should be sent to the following address:~~

Georgia Department of Driver Services  
Attn: CDL Unit  
2206 Eastview Parkway  
Conyers, Georgia 30013

**Authority: O.C.G.A. §§ 40-5-4, 40-16-2, ~~40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-142, 40-5-151~~**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE OF PROPOSED RULE**

The purpose of this amendment is to update the reinstatement eligibility for drivers of commercial vehicles.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE**

Subsection (1) was rewritten to be in alignment with federal statute. Serious traffic violations were added to the criteria reviewed when applying for reinstatement in subsection (3).