

DDS Annual Updates

PRI 2019 Summer Conference

June 12, 2019



Agency Updates

Executive Leadership



**Commissioner
Spencer R. Moore**



**Deputy Commissioner
Ricky Rich**



Applicant Fingerprinting

Fingerprinting

- A routine audit related to applicant fingerprinting and criminal history checks was conducted by the Georgia Crime Information Center (“GCIC”) on March 26, 2019.
- Audit consisted of a questionnaire; a review of our forms, standard operating procedures, and rules; as well as onsite interviews with DDS staff.
- DDS was found to be compliant.
- Some process improvements were noted.



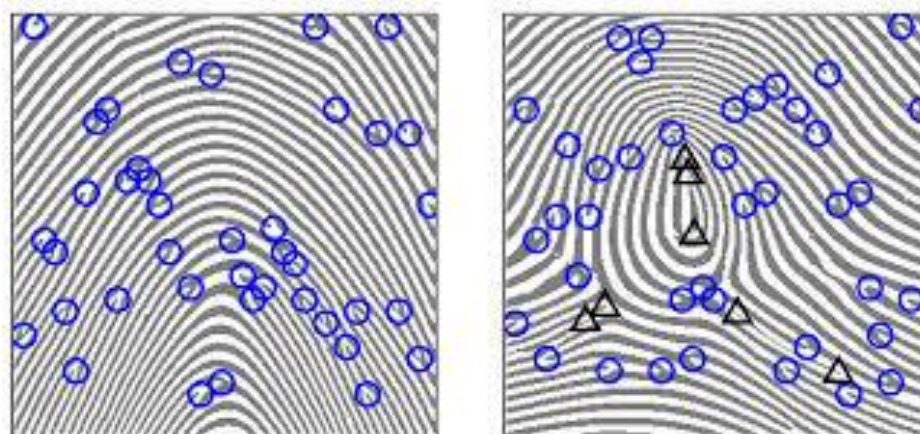
Fingerprinting



- **Fingerprint results are only available to DDS for 30 days. After 30 days, results can no longer be viewed or retrieved.**
- **DDS cannot view or retrieve fingerprint results until an application is received. Always submit your application prior to being fingerprinted.**
- **Gemalto will be adding a check-box for GAPS applicants to attest (under penalty of law?) that they have submitted a certification application prior to being fingerprinted.**

Fingerprinting

My fingerprints never change. Why can't the electronic images of my fingerprints be saved and used for future certifications?



Process Improvements for late Assessment Fees

Late Assessment Fees

- **Due on the 10th day of each month for the assessments administered during the previous month.**
- **Considered late on the 11th day of the month.**
- **30 calendar days to comply, in accordance with O.C.G.A. 40-5-88(a).**
- **Administrative fine of \$250 imposed if late rebates not paid within 30 calendar days.**

Late Assessment Fees

- **Administrative fine must be paid within 30 calendar days (in addition to outstanding assessment fees) or program will be suspended.**
- **Period of suspension will be indefinite until all fines and fees are paid in full.**
- **Since implementation in January 2019, no programs have been fined.**

Reinstatement of Lifetime Commercial Disqualifications

History of Lifetime Commercial Disqualifications

- **Date back to the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, which was required of all states to implement in order for their commercial driver's license (CDL) program to be compliant with federal standards.**
- **Also tied to federal funding.**
- **Georgia has been imposing lifetime commercial disqualifications since 1989 following the enactment of Georgia House Bill 130 (the Georgia Uniform Commercial Driver's License Act).**
- **Authority to impose lifetime commercial disqualifications can be found in Georgia Code O.C.G.A. 40-5-151 and in federal regulation 49 CFR 383.51.**

History of Lifetime Disqualifications

- **The federal Commercial Motor Vehicle Safety Act also gave states the authority to create regulations establishing guidelines by which certain lifetime commercial disqualifications could be reduced to a period of not less than 10 years.**
- **This provision of the Commercial Motor Vehicle Safety Act was also included in House Bill 130 and codified in O.C.G.A. 40-5-151(d) in 1989. It can still be found there today.**
- **Current federal regulation 49 CFR 383.51(a)(6) allows that a state may reinstate any driver disqualified for life for certain offenses after 10 years, if that person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by such state.**

What causes a Lifetime Commercial Disqualification?

- **It can be the result of result of two or more convictions for a “major traffic violation” within a 10-year period. See O.C.G.A. 40-5-151(c).**
- **Lifetime commercial disqualifications can stem from the same violation or a combination of violations, but they must arise from separate incidents.**
- **A “major traffic violation” is defined in O.C.G.A. 40-5-142(18.2).**

Major Traffic Violations

- **Driving under the influence (DUI)**
- **Hit and Run; Leaving the scene of an accident**
- **Any felony involving the use of a motor vehicle**
- **Operating a commercial motor vehicle on a suspended, revoked, cancelled, or disqualified commercial driver's license (CDL)**
- **Homicide/Serious injury by vehicle**
- **Racing on highways or streets**
- **Use of a motor vehicle to flee or elude police**
- **Fraudulent or fictitious use of or application for a driver's license**
- **Operating a motor vehicle with a suspended, revoked, or cancelled registration**
- **Theft of a commercial motor vehicle or its cargo**
- **Refusal to submit to state administered chemical test to determine DUI.**

Lifetime Commercial Disqualifications Continued

- **A lifetime commercial disqualification can also result from knowingly using a motor vehicle in the commission of any felony involving the manufacture, distribution, cultivation, sale, transfer of, trafficking in, or dispensing of a controlled substance or marijuana, or possession with intent to manufacture, distribute, cultivate, sell, transfer, traffic in, or dispense a controlled substance or marijuana.**
- **As of January 8, 2018, a lifetime disqualification can also result from use of a commercial motor vehicle in Human Trafficking.**
- **Neither of these two lifetime disqualifications are eligible for reinstatement pursuant to federal law. Life means life! See 49 USC 31310(d)(1) and (2).**

Who can and cannot take advantage of this process?

- **The lifetime commercial disqualification must have been imposed by the State of Georgia and been in effect for a period of no less than 10 years. Applicants subject to a lifetime commercial disqualification imposed by another state are not eligible.**
- **Applicant must be a resident of Georgia and possess a valid Class C driver's license.**
- **Excludes lifetime commercial disqualifications where one of the major traffic violations was a conviction for vehicular homicide in the first degree or serious injury by vehicle.**
- **Excludes lifetime commercial disqualifications involving the use a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or Human Trafficking.**

How does an applicant reinstate?

- **Application for reinstatement must be made to DDS and include the following supporting documents:**
 - **A certified copy of the applicant's MVR reflecting no convictions for any railroad grade violations or any violations that would be considered serious commercial violations for the 5-year period preceding date of application;**
 - **If the lifetime commercial disqualification involved alcohol, a clinical evaluation issued within 90 days of the date of application reflecting no substance abuse treatment necessary;**
 - **If the lifetime commercial disqualification did not involve alcohol, a certificate of completion from a certified driver improvement clinic dated within 90 days of the date of application; and,**
 - **Copy of current USDOT medical certificate card.**

Reinstatement Process (cont'd)

- **Once application is approved, applicant must retake and successfully pass the CDL knowledge test.**
- **Applicant must begin with a Commercial Learner's Permit (CLP), which he or she must hold for a minimum period of 14 days before being allowed to upgrade to a CDL.**
- **Applicant must retake and successfully pass the CDL skills test.**
- **A CLP/CDL shall be restricted for first 2 years to in-state driving only and no Passenger (P) endorsement. May be removed after 2 years if driving history is free of any convictions.**
- **Unable to ever possess a School Bus (S) or a HAZMAT endorsement (H).**

What role do you play in the reinstatement process?

If the lifetime commercial disqualification involved alcohol, a clinical evaluation issued within 90 days of the date of application reflecting no substance abuse treatment necessary.

When an applicant comes to you and requests the clinical evaluation; DDS needs: Form #1164 from DBHDD. This is the DUI Intervention Program Requirements Met Certificate. Please do not send the full evaluation.

REAL ID Compliance Deadline

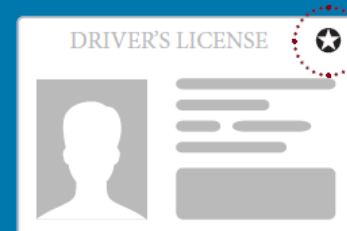
TSA Notice



ID Requirements Are Changing

Does your ID have a star?

Beginning **October 1, 2020**, you will need a REAL ID-compliant license or another acceptable form of ID, such as a valid passport or U.S. military ID, to fly within the U.S.



Generally, a star indicates it's a REAL ID

Check with your state driver's license agency to verify that your state-issued ID is compliant.

Learn about flying with a REAL ID at **tsa.gov/real-id**



Homeland
Security

Questions about flying?
1-866-289-9673 Federal Relay 711
TSA-ContactCenter@tsa.dhs.gov
@AskTSA #Check4TheStar

Georgia's Status

As of April 1, 2019, DDS has the following on record:

- 8,091,681 individuals that have a driving privilege:
 - Of the 447,938 individuals that have a driving privilege with a non-compliant card, about 23,830 of the non-compliant cards could still be in circulation after October 1, 2020.
- 489,289 individuals that only possess an Identification Card (*they do not have any driving privileges*):
 - Of the 21,208 individuals with a non-compliant card, about 234 could still be in circulation after October 1, 2020.

*Legislation
Update 2019*



Legislative Update

HB 459

Driver's license verification system for school bus drivers

Passed!



Featured in photo L-R:

- DDS Deputy Commissioner Ricky Rich,
- DPS Commissioner Col. Mark W. McDonough,
- Governmental Affairs & Communications Director Shevondah Leslie

Photo taken on Sine Die!

Legislative Update

HB 471

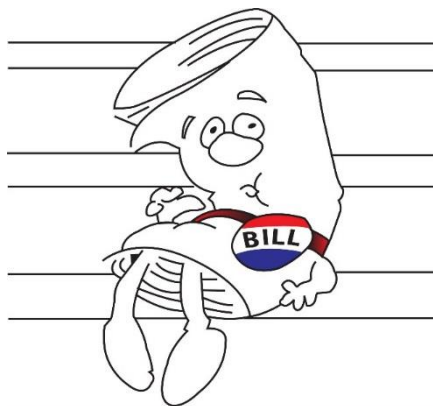
Implied consent notices; revise

Passed!

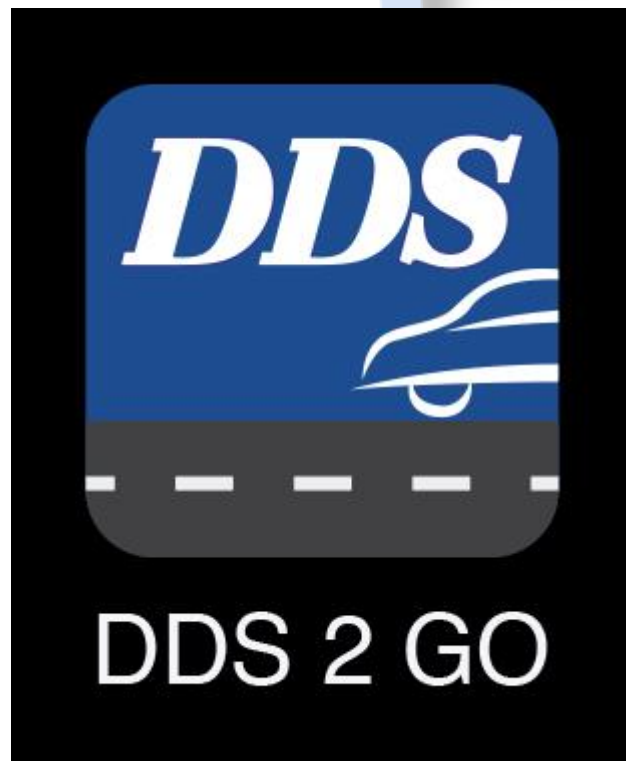
SB 212

Authorize certain licensed driver training schools to administer on-the-road driving skills testing

Passed!



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Questions?