

Citations vs. Arrests for Traffic Offenses

In accordance with O.C.G.A. § 17-6-11, drivers stopped for violations of Title 40 can *usually* be issued a uniform traffic citation and released instead of being arrested and/or brought before a judicial officer to post bail when the driver displays his or her license. However, a driver may **not** be released upon display of his or her license when charged with:

- Another criminal offense that requires a custodial arrest (in addition to a traffic charge); or
- Any offense for which a driver's license may or must be suspended for a first offense, including:
 - Homicide by vehicle;
 - Homicide or serious injury by interference with official traffic-control device or railroad sign or signal;
 - Feticide by vehicle in the first degree;
 - Any felony in the commission of which a motor vehicle is used;
 - Hit and run or leaving the scene of an accident;
 - Reckless Stunt Driving or Racing;
 - Using a motor vehicle in fleeing or attempting to elude a police officer;
 - Fraudulent or fictitious use of or application for a driver's license;
 - Driving under the influence;
 - Violation of Georgia Controlled Substances Act;
 - Driving on a suspended or revoked license;
 - Serious injury by vehicle;
 - Operating a motor vehicle with a revoked, canceled, or suspended registration.
 - Any felony violation of O.C.G.A. § 16-9-1 related to an identification document as defined in O.C.G.A. § 16-9-4; or
 - For drivers under the age of 21, certain other offenses listed in O.C.G.A. § 40-5-57.1.

Procedural Considerations for Issuance of UTC

A driver who has received a UTC and displayed his or her license in lieu of posting bail **must** sign the UTC to acknowledge receipt of the citation and his or her obligation to appear for trial in order to be released. **Prior to obtaining the driver's signature, the citing officer must advise the driver that signing the citation is not an admission of guilt and that failure to sign will result in the driver having to post a cash bond.** If, after receiving this information, the driver refused to sign the citation, the officer may bring the driver before a judicial officer or traffic violations bureau to post a cash bond. (See O.C.G.A. § 40-13-21.)

A driver's license should not be held as bail under any circumstances but may be confiscated for other reasons if authorized by law (e.g., DUI or suspended license).

TEENAGE DRIVERS

The following provisions apply to 16-, 17- and 18-year-olds who hold a Class D license.

This type of license has the following restrictions:

- During the first 6 months, a class D holder cannot have any passenger who is not an immediate family member (O.C.G.A. § 40-5-24(b)(1)(B)(ii));
- Second 6 months, a Class D holder cannot have more than 1 passenger under 21, unless they are immediate family (O.C.G.A. § 40-5-24(b)(1)(B)(iii));
- After second 6 months, no more than 3 passengers under 21 except immediate family (O.C.G.A. § 40-5-24(b)(1)(B)(i)); and
- Cannot drive between 12 midnight and 5 a.m. **NO EXCEPTIONS!** (O.C.G.A. § 40-5-24(b)(2)(A))

Once reaching age 18, a Class D holder can apply for a Class C license only if they have a valid D license for 12 months prior to such application. (O.C.G.A. § 40-5-24(b)(3)).

License Suspensions

Proof of actual notice of a license suspension is required for the following suspensions: ALS or Implied Consent; School Suspension; Child Support; Safety Responsibility, and Insurance Cancellation, Habitual Violator.

Non-Resident Violator Compact

As of publication the following states are **NOT** members of the Non-Resident Violator Compact and persons holding a driver's license from the following states should NOT be issued an appearance ticket for any violation:

Alaska	Montana
California	Oregon
Michigan	Wisconsin



2022

GEORGIA DRIVER'S LICENSE CODES

Colonel Christopher C. Wright
Commissioner
Georgia Department of Public Safety

www.dps.ga.gov

DPS-32D License (07/2022)

Noncommercial Driver's License Classes

(O.C.G.A. § 40-5-23)

Class C - Any single vehicle with a GVWR ¹ not in excess of 26,000 lbs., any such vehicle towing a vehicle with a GVWR not in excess of 10,000 lbs., any such vehicle towing a vehicle with a GVWR rating in excess of 10,000 lbs., provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 lbs., any three-wheeled motor vehicle that is equipped with a steering wheel for directional control, and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance; except that any combination of vehicles with a GVWR not in excess of 26,000 lbs. may be operated under such class of license if such combination of vehicles are controlled and operated by a farmer, used to transport agricultural products, livestock, farm machinery, or farm supplies to or from a farm, and are not used in the operations of a common or contract carrier;

Class D - Provisional license applicable to noncommercial Class C vehicles for which an applicant desires a driver's license but is not presently licensed to drive;

Class E - Any combination of vehicles with a GVWR of 26,001 lbs. or more, provided the GVWR of the vehicle or vehicles being towed is in excess of 10,000 lbs., and all vehicles included within Classes F and C;

Class F - Any single vehicle with a GVWR of 26,001 pounds or more, any such vehicle towing a vehicle with a GVWR not in excess of 10,000 lbs., and all vehicles included within Class C;

Class M - Motorcycles, motordriven cycles, and three-wheeled motorcycles equipped with handlebars for directional control;

Class P - Instructional permit applicable to all types of vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

Commercial Driver's License Classes

(O.C.G.A. § 40-5-150)

Class A - Any combination of vehicles with a GVWR of 26,001 lbs. or more, provided the GVWR of the vehicle or vehicles being towed is in excess of 10,000 lbs., and all vehicles included within Classes B and C;

Class B - Any single vehicle with a GVWR of 26,001 lbs. or more, any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR, and all vehicles included within Class C;

Class C - Any single vehicle with a GVWR of less than 26,001 lbs., any such vehicle towing a vehicle with a GVWR not in excess of 10,000 lbs., or any such vehicle towing a vehicle with a GVWR in excess of 10,000 lbs., provided that the combination of vehicles has a gross combined vehicle weight rating less than 26,001 lbs. This classification shall apply to vehicles designed to transport 16 or more passengers, including the driver, and vehicles used in the transportation of hazardous materials which require the vehicles to be placarded;

Class M - A motorcycle as defined in Code Section 40-1-1; and

Class P - A commercial driver's instruction permit used in conjunction with the commercial driver's instruction permit vehicle classification.

Commercial driver's licenses may be issued with the following endorsements and restrictions:

"H" - Authorizes the driver to drive a vehicle transporting hazardous materials;

"L" - Restricts the driver to vehicles not equipped with air brakes;

"T" - Authorizes driving double and triple trailers;

"P" - Authorizes driving vehicles carrying 16 or more passengers including the driver (not school buses);

"N" - Authorizes driving tank vehicles;

"X" - Represents a combination of hazardous materials and tank vehicle endorsements.

"S" - School Bus

COMMON REGISTRATION / LICENSING CODES

Registration and Licensing of Motor Vehicles

Manufacture of Plates and Decals Prohibited	40-2-4
Unlawful to Remove / Transfer / Sell / Buy / Possess / Use License Plate for Other Vehicle	40-2-5
Alteration of License Plates / Operation of Vehicle with Altered or Improperly Transferred Plate	40-2-6
Obscuring License Plate to Impede Surveillance Equipment	40-2-6.1
Removing or Affixing License Plate with Intent to Conceal or Misrepresent	40-2-7
Operation of Unregistered Vehicle or Vehicle Without Current License Plate	40-2-8
New Resident Must Register in Georgia Within 30 Days	40-2-8
Operation of Vehicle Without Revalidation Decal on License Plate	40-2-8.1
Registration and License Requirements	40-2-20
Driving with Suspended, Canceled or Revoked Registration	40-6-15

Noncommercial Drivers' Licenses

Driving While Unlicensed	40-5-20
Driving While Declared a Habitual Violator	40-5-58
Driving While License Suspended or Revoked	40-5-121
Driving Without a License on Person	40-5-29
Driving in Violation of Limited Permit Conditions	40-5-64
Driving in Violation of License Restrictions	40-5-30(c)
Driver Must Apply for a New License within 60 Days of a Change of Name or a Change of Address	40-5-33
Fraudulent Driver's License or Identification Card by Lending or Displaying	40-5-125
License To Be Carried & Displayed on Demand	40-5-29
Moped Operators Must Be Licensed	40-6-351
New Resident Shall Obtain a GA License Within 30 Days	40-5-20
Permitting Unauthorized Minor to Drive	40-5-123
Permitting Unlicensed Person to Drive	40-5-122
Unlawful Use of License or Identification Card	40-5-120
Expired License	40-5-32

Commercial Drivers' Licenses

Driving a Commercial Vehicle Without a Valid Commercial License	40-5-156
Driving a Commercial Vehicle with More Than One License (Felony)	40-5-143
Employer Allowing Driver with Suspended / Revoked License or More Than One License to Drive a Commercial Vehicle (Felony)	40-5-145

¹ Gross Vehicle Weight Rating