

Senate Bill 280

By: Senators Anavitarte of the 31st and Gooch of the 51st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to commercial drivers' licenses, so as to provide standards for liability of an  
3 employer or insurance provider for actions relating to a commercial vehicle driver; to provide  
4 for definitions; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 commercial drivers' licenses, is amended by revising Code Section 40-5-145, relating to  
10 duties of employer, as follows:

11 "40-5-145.

12 (a) Each employer shall require every commercial motor vehicle driver applicant to  
13 provide the information specified in subsection (d) of Code Section 40-5-144.

14 (b) No employer may knowingly allow, require, permit, or authorize a driver to drive a  
15 commercial motor vehicle during any period:

16 (1) In which the driver has a driver's license suspended, revoked, or canceled by a any  
17 state; has lost the privilege to drive a commercial motor vehicle in a any state; or has been  
18 disqualified from driving a commercial motor vehicle;

19 (2) In which the driver has more than one driver's license;

20 (3) In which the driver, or the commercial motor vehicle that he or she is driving, or the  
21 motor carrier operation, is subject to an out of service order; or

22 (4) In violation of a federal, state, or local law or regulation pertaining to  
23 railroad-highway grade crossings.

24 (c)(1) As used in this subsection, the term:

25 (A) 'Driver's record' means investigation of a driver's safety performance history  
26 through an enumeration of accidents and convictions of moving traffic violations as  
27 provided by the department pursuant to Code Section 40-5-2.

28 (B) 'Federal requirements' means the number of years an employer of a commercial  
29 motor vehicle driver is required to investigate of a driver's record pursuant to federal  
30 law.

31 (2) For purposes of establishing liability of any employer or insurance provider in a civil  
32 action relating to the holder of a commercial driver's license, use of:

33 (A) The driver's record shall be limited to federal requirements; and

34 (B) Any vehicle global positioning system data or video recordings, including  
35 electronic control module data and any onboard electronic recording devices, shall be  
36 limited to the date an accident or moving violation occurred."

37 **SECTION 2.**

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