Georgia Department of Driver Services

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Nathan Deal
Governor

Spencer R. Moore
Commissioner

May 17, 2017

To: All Clerks, and Court Administration

From: Angelique McClendon, General Counsel

Subject: Changes to FTA process (SB 176)

Senate Bill ("SB") 176, the Criminal Justice Reform Bill from the 2017 Legislative session, included some changes to the process for reporting a Failure to Appear ("FTA") to DDS. The changes related to DDS appear in O.C.G.A. § 17-6-11. New procedures must be followed before a court can issue a bench warrant or forward a Failure to Appear or FTA to DDS. Before sending the FTA to DDS the clerk must:

1. Notify the driver by mail; and
2. Allow 30 days from date of the notice to resolve the failure to appear; and
3. After 30 days court *shall* forward the DL# to DDS.

Although the process followed by the courts prior to sending the FTA to DDS was changed by SB 176, the process followed by DDS once we receive the notice <u>will not</u> change. The requirement for DDS to send notice to the driver once we receive notice from the clerk remains in O.C.G.A. § 40-5-56. Pursuant to DDS rules and regulations we will continue to send notice to the driver after receipt from the clerk and allow the driver 28 days to resolve the FTA before actual suspension is imposed.

Sincerely,

Angelique B. McClendon
General Counsel
Georgia Department of Driver Services

Cc: Vicki Judd, Assistant General Counsel
Kila Johnson, GECPS
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