

FTA LICENSE SUSPENSION REFORM PRACTICE GUIDE

New law¹ makes it *faster, easier, and more affordable* to reinstate a driver's license after a missed court date.

1. Courts **must automatically** reinstate a driver's license when a driver **reengages the court** after missing a court date.* (O.C.G.A. § 17-6-11(b)(1) and § 40-5-56(b)).
 - a. Reengaging means either: 1. Rescheduling a court date, 2. Waiving arraignment, 3. Showing up in court for a hearing, OR 4. Resolving the case.
 - Rescheduling a court date can be done by phone or email/online. It does not require an in-person visit to the courthouse.
 - b. This automatic reinstatement is **limited to once per case**.
 - If a driver reengages and subsequently misses court again, the driver will not be entitled to automatic license reinstatement. However, a judge can still choose to reinstate a license prior to adjudication or payment of fines/fees.
 - *Note: For non-automatic license reinstatement, we recommend using a form order granting reinstatement and/or a fee waiver.*
 - c. Current 30-day notice requirements to initiate a suspension remain in place.² If a driver contacts the court within 30 days of a missed court date, the driver should stress to that court that their license should not be suspended.
2. Courts **cannot** require someone to pay an FTA fee before scheduling a new court date.
3. The DDS "Pauper's Affidavit" now waives 100% of reinstatement fees for low-income drivers.
 - The "Pauper's Affidavit" is not limited to FTA suspensions and is available for **all suspensions** except Super Speeder, Nonsufficient Funds, and Safety Responsibility suspensions.
 - Judges still maintain broad discretion to waive the DDS FTA reinstatement fee. (O.C.G.A. § 17-6-11(b)(1) and § 40-5-56(b).) Judges may consider all circumstances, including but not limited to good cause for not appearing, interests of justice, and/or an inability to pay the fee.

Reminder: Judges still have discretion to not suspend for FTAs. The statute leaves open the possibility that judges could issue standing orders that stop all FTA suspensions or FTA suspensions in certain circumstances. Judges can also issue a standing order to waive reinstatement fees for all FTA suspensions or first-time FTA suspensions.

**These provisions do not apply to citations in which a driver's license may be suspended for a first offense, mandatory suspensions as defined in O.C.G.A. § 40-5-54, or serious traffic offenses as defined in O.C.G.A. § 40-6-390 through § 40-6-397.*

For more information, visit [GJP.org/DL-suspensions](https://www.gjp.org/DL-suspensions), or contact Emily Spears, Attorney and Equal Justice Works Fellow: ESpears@GJP.org or 404-827-0027 ext. 202.

¹ Effective May 2, 2024, Sections IV, V, VI, VII of HB 926 (2024), amend O.C.G.A. § 17-6-11, § 17-7-90, § 40-5-9, and § 40-5-56.

² O.C.G.A. § 17-6-11(b)(1), requiring the court to issue a 30-day notice after a missed court before sending the FTA to DDS. DDS maintains an internal policy to wait 28 days from this notification before suspending.