



Legislative Bulletin

By John Keys, GMOA Lobbyist

I've been busy! My main focus has been on trying to acquire support for and passing the CDL bill. GMOA's intent for the bill was to prohibit anyone listed on the national list of sex offenders from renewing or acquiring a CDL license with a P (passenger) or S (student) endorsement. Easy sell, we all thought. Your legislative Committee chaired by Brenda Tidwell and members, John Garrett, Jimmy Cantrell, Ken Presley, and myself conferred several times to suggest language in the bill, especially when it looked like we had run into a brick wall with the Georgia Bureau of Investigation. We were not successful this year. We gained ground, however. Please review the report on the reverse side of this bulletin.

Listed below is activity during March. If you have questions or if you need information to help you communicate with your legislators, please let me know. I will be happy to make appointments and go with you to meet your delegates. Just let me know how I can help. Please note the Action Needed portion of this bulletin below. This is an opportunity for you to further our efforts to create awareness of the Georgia motorcoach industry, how you positively impact Georgia's economy and how you create jobs. I hope you will read this and respond.

John Keys

1. Attended Transportation and Motor Vehicles Committee meetings in General Assembly as they occur, meeting with individual legislators to advance GMOA initiatives.
2. GMOA was asked to assist with transportation needs for Senate Transportation and Health and Human Services committees for their committee dinner on March 2. Mike Dickson, Southeastern Stages volunteered to provide coach for this event.
3. Attended Transit Governance Joint Committee meeting, March 10. This committee will come up with transit governance structures for Atlanta and possibly the rest of the State in future months. We have testified before this committee, and seek privatization initiatives to be included in legislation that comes out of its study process.
4. Attended March 15 GMOA Board of Directors meeting and gave a legislative update,
5. Worked to get SB 57 onto Senate Rules Calendar, and passed the Senate.

Bill passed Senate on 30th Legislative Day, March 16, with a 48-0 vote. Go online to <http://www.legis.ga.gov/Legislation/20112012/113434.pdf> to view the passed version. See reverse side for a summary of the legislation.

House Motor Vehicles Committee chair held our version of the bill, thinking our industry should "enforce" sex offender status on its own. We heard this in the Senate.

Instead of our bill passing the Committee on March 31, another bill was substituted and passed.

HOWEVER, at the House Motor Vehicles Committee meeting, Senator Gooch gave a strong presentation on the Senate-passed SB 57, and stated that the Senate passed it on a 48-0 vote and wants the General Assembly to enact law to accomplish its goals. Representative Paul Battles (Motor Vehicles Committee) introduced similar legislation, HB 215, and also stated that it is needed. Committee Chairman Tom Rice asked GMOA and Department of Drivers Services (DDS) to work over the Legislative Interim period to seek to move it to a successful version to be acted on at the 2012 Session.

Leading up to this, and regarding our version of SB 57:

The GA Transit Association withdrew its amendment which exempted transit systems from the bill.

DDS noted that the Education Department raised confusing issues as to whether or not school bus drivers were already covered under existing law, discussed issues with Governor's Office as to number of new positions it would require to implement SB 57 if it passed, estimating up to 10 positions. GBI and GCIC were supportive of the bill, however.

The Governor's Office motor vehicles/licensing staffer talked with Senator Gooch about the negative budget impacts if the bill passed (since DDS had raised these thoughts), thus indicating concerns at that Office level.

We agreed to work with the Department over the Interim, and I met with the Commissioner of DDS following the Committee meeting, asking his cooperation to help in this effort, to which he agreed.



6. Submitted testimony on behalf of GMOA regarding Atlanta Multi Modal Passenger Terminal (MMPT) planning and design to GDOT, March 30.

I sent this request to GDOT. "Please allow maximum of private sector transportation interface at MMPT! Solicit input from private sector bus operators (both intercity and charter) for needed features of MMPT, through GMOA such as input into details of needs to connect public-private transportation providers, including staging areas, bus bay, and driver rest areas. Thank you." I have received confirmation from Sandra Burgess, GDOT General Counsel that GMOA will be considered a stakeholder in this process. More information will be provided.

NOTE: Comment period is open until April 13, 2011, and GMOA members can submit their additional comments to GA Department of Transportation, and further info can be obtained at (Call John if you have difficulty with this link.): <http://www.dot.state.ga.us/informationcenter/p3/projects/mmpt/Documents/InstructionsforPublicComment-031411.pdf>

Summary of Senate Bill 57 (Senator Steve Gooch & Others)

Legislation to Prohibit Convicted Sex Offenders
(convicted of crimes against minors) from obtaining a Commercial Driver License (CDL)
to operate passenger vehicles carrying 16 or more passengers

The bill would prohibit convicted sex offenders from obtaining a Commercial Drivers License (CDL) with a "P" or "S" endorsement if they have been convicted of sex crimes against minors.

This means that they could not operate commercial vehicles carrying passengers in vehicles transporting 16 or more passengers ("P" endorsement) or in school buses ("S" endorsement). Applicants for such endorsements would submit electronically recorded fingerprints to GCIC (which then sends to the FBI) with notification back to the DDS of convictions against such applicants.

Renewals would be subject to this process; and courts would report to DDS any subsequent convictions of such crimes to ensure that the licenses of convicted sex offenders with such endorsements on their CDL are revoked.

Although some passenger carriers in Georgia attempt criminal background checks, they are compelled to contract with commercial services that perform these checks. Results are varying and inconsistent. Only the State of Georgia with its resources to do background checks can assure thorough, consistent uniform checks.

Federal law establishes minimum requirements for states regarding Commercial Driver's Licenses (CDL). These minimums do not include a prohibition from issuing a CDL with passenger endorsement to sex offenders. States are free to enhance their license for the protection of their citizens.

Most carriers do not perform criminal background checks as there is no requirement to do so. This places an economic disadvantage (these checks are expensive) on those carriers that do screen their drivers and does not prohibit a sex offender from driving for another passenger carrier (even in this economy there is a shortage of qualified drivers). Nationally, approximately one-third of all charter groups are students.

Sex offenders, particularly those associated with pedophilia, are known to seek positions that place them in proximity to potential victims.

Other states have or will pass legislation that prohibits issuance of CDL's with passenger endorsements to sex offenders. If GA delays passage, this state could become a sanctuary for sex offending bus drivers. Why wait until there is an incident and inevitable public outcry?

Alabama and North Carolina have passed such legislation.



ACTION NEEDED NOW BY GMOA Members:

- ✓ Thank Senator Gooch for getting us this far in our effort to pass legislation prohibiting sex offenders from acquiring or renewing a CDL with P or S endorsements.
- ✓ Thank Representative Paul Battles for sponsoring House legislation to do the same, and for urging the House Motor Vehicles Committee to study it over the Interim, and to be taken up at the 2012 Session.
- ✓ Urge House Motor Vehicles Chairman Tom Rice to work with us to obtain a good solution to his concerns and to work for passage of legislation at the 2012 Session.
- ✓ Talk with your Representative at your home town place of business, to let him/her know that this issue is important not just to our industry, but to our children's safety. Ask them to contact Rep. Tom Rice and tell him about it, and seek his support!
- ✓ Talk to NC and AL operators to obtain information on how their laws (enacted in 2010) are working – are there any problems encountered or concerns raised there? Any slowing down of drivers' ability to obtain CDLs due to these new laws' requirements? Report this information back to Linda or John for follow-up.
- ✓ If you have contacts with these states' DDS agency, provide them to John for follow-up as our issue is studied over the Interim.

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