

City of Johns Creek Police Department

<i>Subject:</i> Suspended/Revoked License	<i>Number:</i> 02-29	
<i>Reference:</i>	<i>Amends:</i>	
<i>Effective:</i> 04/08	<i>Review Date:</i> Annually	<i># of Pages:</i> 2

PURPOSE:

Establish procedures for the handling of motorists charged with operating a vehicle after their driving privileges have been revoked or suspended.

POLICY: (02-29)

In an effort to provide guidance, the Department recognizes officers encounter situations which result in issuance of citations for violation of operating a motor vehicle with revoked or suspended licenses. The procedures outlined below establish clear guidelines on the proper handling of violators in these instances. Officers are expected to adhere to these procedures.

PROCEDURES:

Georgia Residents Operating with License in Suspension or Revocation (02-29-01)

No person shall be arrested for the offense of operating a motor vehicle while license is suspended or in revocation, unless the subject has received legal notice, under OCGA 40-5-60.

Officers encountering an operator of a motor vehicle who has had his/her license suspended or placed in revocation, but has not been served, shall personally serve the person with notification of his/her suspension or revocation by utilizing the "Official Notice of Personal Service" form.

Officers encountering an operator of a motor vehicle who has had his/her license suspended or placed in revocation, but has not been served, should not allow the person to operate the motor vehicle.

Officers encountering an operator of a motor vehicle who has had his/her license suspended or placed in revocation, and the operator/violator has had legal notice (service), shall be issued an Uniform Traffic Citation for the violation, under OCGA 40-5-60 and the probable cause violation (if applicable).

Officers charging operators of motor vehicles with operating a motor vehicle while license is suspended or revoked shall enter upon the Uniform Traffic Citation, the date of service.

Out of State Residents Operating with License in Suspension or Revocation (02-29-02)

Officers encountering out of state operators, who have had his/her motor vehicle operating privilege suspended or revoked, from another state within the Non-Resident Violator Compact, or who have had his/her motor vehicle operating privileges revoked by this state, under OCGA 40-5-60, shall be issued a Uniform Traffic Citation for the violation, and the probable cause violation.

Officers encountering out of state operators who have had his/her motor vehicle privileges suspended or revoked, from another state which does not participate in the Non-Resident Violator Compact, shall be issued a Uniform Traffic Citation for violation, under OCGA 40-5-20-(a) (Driving Without A License), and the probable cause violation.

Arrest for Operating a Motor Vehicle While License is Suspended or in Revocation (02-29-03)

If confirmation has been verified, via the Communication Center, that his/her license has been suspended or placed in revocation and properly served, the officer shall advise the motor vehicle operator that he/she is under arrest for the offense of Operating a Motor Vehicle While License is Suspended or in Revocation.

If the notice of suspension or disqualification is not verified, the officer shall serve the operator his/her notice of suspension or revocation and attach the driver's license to the copy of service and mail the proof of service to the Department of Public Safety.

