

_____ offers the following
 substitute to HB 385:

A BILL TO BE ENTITLED
 AN ACT

1 To promote safe operation of motor vehicles on public roads in this state; to amend Title 40
 2 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to
 3 change certain provisions relating to implied consent to chemical tests; to change certain
 4 provisions relating to suspension or revocation of license of habitually negligent or
 5 dangerous driver and the point system; to change certain provisions relating to chemical tests
 6 to determine whether a driver is under the influence of alcohol or drugs, implied consent
 7 notices, rights of motorists, and administrative procedures; to change certain provisions
 8 relating to possession of an open container of alcoholic beverage while operating vehicle; to
 9 change certain provisions relating to driving under the influence of alcohol, drugs, or other
 10 intoxicating substances; to change certain provisions relating to chemical tests for alcohol
 11 or drugs; to define the offense of aggressive driving and provide punishment for such
 12 offense; to change certain provisions relating to surrender of license plates of habitual
 13 violators; to change certain provisions relating to revocation of licenses of persons under age
 14 21 for certain offenses and issuance of new licenses following revocations; to change certain
 15 provisions relating to periods of suspension and conditions to return of driver's license; to
 16 change certain provisions relating to terms and conditions for suspension of driver's license
 17 under subsection (c) of Code Section 40-5-67.1; to amend Article 7 of Chapter 8 of Title 42
 18 of the Official Code of Georgia Annotated, relating to ignition interlock devices as condition
 19 of probation, so as to change certain provisions relating to court ordered installation of
 20 ignition interlock devices, completion of alcohol and drug reduction program, notice to the
 21 Department of Public Safety, and fees for drivers' licenses; to change certain provisions
 22 relating to proof of compliance required for reinstatement of certain drivers' licenses and for
 23 obtaining probationary licenses and reporting requirements; to provide effective dates; to
 24 repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 concentration of ~~0.10~~ 0.08 grams or more, your Georgia driver's license or privilege to
 2 drive on the highways of this state may be suspended for a minimum period of one year.
 3 After first submitting to the required state tests, you are entitled to additional chemical
 4 tests of your blood, breath, urine, or other bodily substances at your own expense and
 5 from qualified personnel of your own choosing. Will you submit to the state
 6 administered chemical tests of your (designate which tests) under the implied consent
 7 law?"

8 "(c) If a person under arrest or a person who was involved in any traffic accident resulting
 9 in serious injuries or fatalities submits to a chemical test upon the request of a law
 10 enforcement officer and the test results indicate that a suspension or disqualification is
 11 required under this Code section, the results shall be reported to the department. Upon the
 12 receipt of a sworn report of the law enforcement officer that the officer had reasonable
 13 grounds to believe the arrested person had been driving or was in actual physical control
 14 of a moving motor vehicle upon the ~~highway~~ highways or elsewhere throughout this state
 15 in violation of Code Section 40-6-391 or that such person had been driving or was in actual
 16 physical control of a moving motor vehicle upon the highways or elsewhere throughout this
 17 state and was involved in a traffic accident involving serious injuries or fatalities and that
 18 the person submitted to a chemical test at the request of the law enforcement officer and
 19 the test results indicate either an alcohol concentration of ~~0.10~~ 0.08 grams or more or, for
 20 a person under the age of 21, an alcohol concentration of 0.02 grams or more, the
 21 department shall suspend the person's driver's license, permit, or nonresident operating
 22 privilege pursuant to Code Section 40-5-67.2, subject to review as provided for in this
 23 chapter. Upon the receipt of a sworn report of the law enforcement officer that the arrested
 24 person had been operating or was in actual physical control of a moving commercial motor
 25 vehicle and the test results indicate an alcohol concentration of 0.04 grams or more, the
 26 department shall disqualify the person from operating a motor vehicle for a minimum
 27 period of one year."

28 "(E) Whether a test or tests were administered and the results indicated an alcohol
 29 concentration of ~~0.10~~ 0.08 grams or more or, for a person under the age of 21, an
 30 alcohol concentration of 0.02 grams or more or, for a person operating or having actual
 31 physical control of a commercial motor vehicle, an alcohol concentration of 0.04 grams
 32 or more; and"

33 SECTION 1-4.

34 Said title is further amended by striking Code Section 40-6-253, relating to possession of
 35 open container of alcoholic beverage while operating vehicle, and inserting in lieu thereof
 36 the following:

1 "40-6-253.

2 (a) As used in this Code section, 'open the term:

3 (1) 'Alcoholic beverage' means:

4 (A) Beer, ale, porter, stout, and other similar fermented beverages, including sake or
 5 similar products, of any name or description containing one-half of 1 percent or more
 6 of alcohol by volume, brewed or produced from malt, wholly or in part, or from any
 7 substitute therefor;

8 (B) Wine of not less than one-half of 1 percent of alcohol by volume; or

9 (C) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits
 10 of wine in any form, including all dilutions and mixtures thereof from whatever source
 11 or by whatever process produced.

12 (2) 'Open alcoholic beverage container' means any container which is immediately
 13 capable of being consumed from or the seal of which has been broken bottle, can, or other
 14 receptacle that:

15 (A) Contains any amount of alcoholic beverage; and

16 (B)(i) Is open or has a broken seal; or

17 (ii) The contents of which are partially removed.

18 (3) 'Passenger area' means the area designed to seat the driver and passengers while a
 19 motor vehicle is in operation and any area that is readily accessible to the driver or a
 20 passenger while in his or her seating position; provided, however, that such term does not
 21 include any locked glove compartment or, in a passenger car not equipped with a trunk,
 22 any area behind the rearmost upright seat or not normally occupied by the driver or
 23 passengers.

24 ~~(b)(1) No person shall possess an open container of any alcoholic beverage while~~
 25 ~~operating a vehicle in this state.~~ A person shall not:

26 (A) Consume any alcoholic beverage; or

27 (B) Possess any open alcoholic beverage container

28 in the passenger area of any motor vehicle which is on the roadway or shoulder of any
 29 public highway.

30 (2) The provisions of paragraph (1) of this subsection shall not apply to any passenger in
 31 the passenger area of a motor vehicle designed, maintained, or used primarily for the
 32 transportation of persons for compensation or in the living quarters of a motor home or
 33 house trailer.

34 (3) For the purposes of this Code section, an open container shall be considered to be in
 35 the possession of the operator of a vehicle if the container is not in the possession of a
 36 passenger and is not located in a locked glove compartment, locked trunk, or other locked
 37 nonpassenger area of the vehicle Only a person who consumes an alcoholic beverage or

1 possesses an open alcoholic beverage container in violation of this Code section shall be
 2 charged with such offense; provided, however, that an operator of a motor vehicle who
 3 is alone in the passenger area of such motor vehicle shall be deemed to be in possession
 4 of any open alcoholic beverage container in such passenger area.

5 (c) Any person who violates this Code section is subject to a fine not to exceed \$200.00.

6 ~~(d) A county or municipal corporation ordinance which imposes more stringent restrictions~~
 7 ~~on the possession of alcoholic beverages in vehicles than those imposed by this Code~~
 8 ~~section shall not be preempted by this Code section."~~

9 SECTION 1-5.

10 Said title is further amended in Code Section 40-6-391, relating to driving under the
 11 influence of alcohol, drugs, or other intoxicating substances, by striking paragraph (5) of
 12 subsection (a), paragraphs (2) and (3) of subsection (c), and paragraph (4) of subsection (k)
 13 and inserting in lieu thereof the following:

14 "(5) The person's alcohol concentration is ~~0.10~~ 0.08 grams or more at any time within
 15 three hours after such driving or being in actual physical control from alcohol consumed
 16 before such driving or being in actual physical control ended; or"

17 "(2) For the second conviction within a five-year period of time, as measured from the
 18 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
 19 were accepted to the date of the current arrest for which a conviction is obtained or a plea
 20 of nolo contendere is accepted:

21 (A) A fine of not less than \$600.00 nor more than \$1,000.00, which fine shall not,
 22 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
 23 or probation;

24 (B) A period of imprisonment of not less than 90 days nor more than 12 months. ~~At~~
 25 ~~the sole discretion and under such terms and conditions as the judge shall impose, the~~
 26 ~~judge may suspend, stay, or probate all but 48 hours of any term of imprisonment~~
 27 ~~imposed under this subparagraph~~ The judge shall probate at least a portion of such term
 28 of imprisonment, thereby subjecting the offender to the provisions of Article 7 of
 29 Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose;
 30 provided, however, that the offender shall be required to serve not less than five days
 31 of actual incarceration unless the judge imposes a period of community service of 30
 32 days or more pursuant to subparagraph (C) of this paragraph;

33 (C) Not less than 80 hours of community service, except that for a second conviction
 34 for violation of subsection (k) of this Code section where the person's alcohol
 35 concentration at the time of the offense was less than 0.08 grams, the period of
 36 community service shall be not less than 40 hours;

1 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 2 the Department of Human Resources. The sponsor of any such program shall provide
 3 written notice of such approval to the person upon enrollment in the program;

4 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
 5 indicated by such evaluation, completion of a substance abuse treatment program as
 6 defined in Code Section 40-5-1; and

7 (F) If the defendant is sentenced to a period of imprisonment for less than 12 months,
 8 a period of probation of 12 months less any days during which the defendant is actually
 9 incarcerated; or

10 (3) For the third or subsequent conviction within a five-year period of time, as measured
 11 from the dates of previous arrests for which convictions were obtained or pleas of nolo
 12 contendere were accepted to the date of the current arrest for which a conviction is
 13 obtained or a plea of nolo contendere is accepted:

14 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
 15 not, except as provided in subsection (g) of this Code section, be subject to suspension,
 16 stay, or probation;

17 (B) A mandatory period of imprisonment of not less than 120 days nor more than 12
 18 months. ~~At the sole discretion and under such terms and conditions as the judge shall~~
 19 ~~impose, the judge may suspend, stay, or probate all but ten days of any term of~~
 20 ~~imprisonment imposed under this subparagraph~~ The judge shall probate at least a
 21 portion of such term of imprisonment, thereby subjecting the offender to the provisions
 22 of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge
 23 may impose; provided, however, that the offender shall be required to serve not less
 24 than ten days of actual incarceration unless the judge imposes a period of community
 25 service of 60 days or more pursuant to subparagraph (C) of this paragraph;

26 (C) Not less than 20 days of community service, except that for a third or subsequent
 27 conviction for violation of subsection (k) of this Code section where the person's
 28 alcohol concentration at the time of the offense was less than 0.08 grams, the period of
 29 community service shall be not less than 40 hours;

30 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 31 the Department of Human Resources. The sponsor of any such program shall provide
 32 written notice of such approval to the person upon enrollment in the program;

33 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
 34 indicated by such evaluation, completion of a substance abuse treatment program as
 35 defined in Code Section 40-5-1; and

1 (F) If the defendant is sentenced to a period of imprisonment for less than 12 months,
 2 a period of probation of 12 months less any days during which the defendant is actually
 3 incarcerated."

4 ~~"(4) The driver's license of any person convicted of violating this subsection shall be~~
 5 ~~revoked as provided by Code Section 40-5-57.1."~~

6 SECTION 1-6.

7 Said title is further amended in Code Section 40-6-392, relating to chemical tests for alcohol
 8 or drugs, by striking subsection (b) and inserting in lieu thereof the following:

9 "(b) Except as provided in subsection (c) of this Code section, upon the trial of any civil
 10 or criminal action or proceeding arising out of acts alleged to have been committed by any
 11 person in violation of Code Section 40-6-391, the amount of alcohol in the person's blood
 12 at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or
 13 other bodily substance, ~~shall~~ may give rise to the following ~~presumptions~~ inferences:

14 (1) If there was at that time an alcohol concentration of 0.05 grams or less, ~~it shall be~~
 15 ~~presumed~~ the trier of fact in its discretion may infer therefrom that the person was not
 16 under the influence of alcohol, as prohibited by paragraphs (1), ~~(2)~~, and (4) of subsection
 17 (a) of Code Section 40-6-391;

18 (2) If there was at that time an alcohol concentration in excess of 0.05 grams but less
 19 than 0.08 grams, such fact shall not give rise to any ~~presumption~~ inference that the person
 20 was or was not under the influence of alcohol, as prohibited by paragraphs (1), ~~(2)~~, and
 21 (4) of subsection (a) of Code Section 40-6-391, but such fact may be considered by the
 22 trier of fact with other competent evidence in determining whether the person was under
 23 the influence of alcohol, as prohibited by paragraphs (1), ~~(2)~~, and (4) of subsection (a) of
 24 Code Section 40-6-391; and

25 ~~(3) If there was at that time an alcohol concentration of 0.08 grams or more, it shall be~~
 26 ~~presumed that the person was under the influence of alcohol, as prohibited by paragraphs~~
 27 ~~(1), (2), and (4) of subsection (a) of Code Section 40-6-391; and~~

28 ~~(4)~~(3) If there was at that time or within three hours after driving or being in actual
 29 physical control of a moving vehicle from alcohol consumed before such driving or being
 30 in actual physical control ended an alcohol concentration of ~~0.10~~ 0.08 or more grams, the
 31 person shall be in violation of paragraph (5) of subsection (a) of Code Section 40-6-391."

SECTION 1-7.

Said title is further amended by adding a new Code Section 40-6-397 to read as follows:

"40-6-397.

(a) A person commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49, 40-6-52, 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent.

(b) Any person convicted of aggressive driving shall be guilty of a misdemeanor of a high and aggravated nature."

SECTION 1-8.

Article 7 of Chapter 8 of Title 42, relating to ignition interlock devices as condition of probation, is amended by striking Code Section 42-8-111, relating to court ordered installation of ignition interlock devices, completion of alcohol and drug reduction program, notice to the Department of Public Safety, and fees for drivers' licenses, and inserting in lieu thereof the following:

"42-8-111.

(a) In addition to any other provision of probation, upon a second or subsequent conviction of a resident of this state for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall order as ~~a condition~~ conditions of probation that:

(1) Such ~~such~~ person shall have installed and shall maintain in a each motor vehicle registered in such person's name throughout the applicable six-month period prescribed by subsection (b) of Code Section 42-8-112 a functioning, certified ignition interlock device, unless the court exempts the person from the requirements of this paragraph based upon the court's determination that such requirements would subject the person to undue financial hardship; and ~~that such~~

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person during the applicable six-month period prescribed by subsection (b) of Code Section 42-8-112 a functioning, certified ignition interlock device, and such person shall not during such six-month period drive any motor vehicle whatsoever that is not so equipped;

~~provided, however, that if a person subject to the provisions of this subsection is authorized under Code Section 40-5-63 to apply for reinstatement of his or her driver's license during the period of license suspension provided by said Code section, the court may in lieu of ordering such installation and use of an ignition interlock device order that such person~~

1 ~~shall not be eligible for any limited driving permit prior to license reinstatement.~~ For the
 2 purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a
 3 conviction of any offense under the law of another state or territory substantially
 4 conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of
 5 violating said Code section.

6 (b) Any resident of this state who is ordered to ~~obtain and~~ use an ignition interlock device,
 7 as a condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction
 8 Program and submit to the court or probation department a certificate of completion of the
 9 DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a
 10 certified ignition interlock device to the extent required by subsection (a) of this Code
 11 section.

12 ~~(c)(1) If use of an ignition interlock device is ordered~~ In the case of any person subject to
 13 the provisions of subsection (a) of this Code section, the court shall include in the record
 14 of conviction or violation submitted to the Department of Public Safety or its successor
 15 agency notice of the requirement for, and the period of the requirement for, the use of a
 16 certified ignition interlock device. Such notice shall specify any exemption from the
 17 installation requirements of paragraph (1) of subsection (a) of this Code section and any
 18 vehicles subject to the installation requirements of paragraph (2) of said subsection. The
 19 records of the Department of Public Safety or its successor agency shall contain a record
 20 reflecting mandatory use of such device and the person's driver's license or limited driving
 21 permit shall contain a notation that the person may only operate a motor vehicle equipped
 22 with a functioning, certified ignition interlock device.

23 ~~(2) In the case of any person subject to the provisions of subsection (a) of this Code~~
 24 ~~section, unless and until the Department of Public Safety has received notice from the~~
 25 ~~court that issuance of a limited driving permit prior to license reinstatement has been~~
 26 ~~prohibited, the records of said department shall reflect that installation and use of an~~
 27 ~~ignition interlock device has been required.~~

28 ~~(3) If an order prohibiting issuance of a limited driving permit prior to license~~
 29 ~~reinstatement is issued pursuant to subsection (a) of this Code section, the court shall~~
 30 ~~include in the record of conviction or violation submitted to the Department of Public~~
 31 ~~Safety notice of such prohibition. The records of the Department of Public Safety shall~~
 32 ~~contain a record reflecting such prohibition.~~

33 (d) Except as provided in Code Section 42-8-112, no provision of this article shall be
 34 deemed to reduce any period of driver's license suspension or revocation otherwise
 35 imposed by law.

36 (e) The fee for issuance of any driver's license indicating that use of an ignition interlock
 37 device is required shall be as prescribed for a regular driver's license in Code Section

1 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an
 2 ignition interlock device is required shall be as prescribed for a limited driving permit in
 3 Code Section 40-5-64; except that, for habitual violators required to use an ignition
 4 interlock device as a condition of a probationary license, the fee shall be as prescribed for
 5 a probationary license in Code Section 40-5-58."

6 **SECTION 1-9.**

7 Said article is further amended by striking Code Section 42-8-112, relating to proof of
 8 compliance required for reinstatement of certain drivers' licenses and for obtaining
 9 probationary licenses and reporting requirements, and inserting in lieu thereof the following:

10 "42-8-112.

11 (a) In any case where the court imposes the use of an ignition interlock device as a
 12 condition of probation on a resident of this state whose driving privilege is not suspended
 13 or revoked, the court shall require the person to surrender his or her driver's license to the
 14 court immediately and provide proof of compliance with such order to the court or the
 15 probation officer and obtain an ignition interlock device restricted driving license within
 16 30 days. Upon expiration of the period of time for which such person is required to use an
 17 ignition interlock device, the person may apply for and receive a regular driver's license
 18 upon payment of the fee provided for in Code Section 40-5-25. If such person fails to
 19 provide proof of installation to the extent required by subsection (a) of Code Section
 20 42-8-111 and receipt of the restricted driving license within such period, absent a finding
 21 by the court of good cause for that failure, which finding is entered in the court's record,
 22 the court shall revoke or terminate the probation.

23 (b)(1) In any case where the court imposes the use of an ignition interlock device as a
 24 condition of probation on a resident of this state whose driving privilege is suspended or
 25 revoked, the court shall require the person to provide proof of compliance with such order
 26 to the court or the probation officer and the Department of Public Safety or its successor
 27 agency not later than the date on which such suspension or revocation concludes. If such
 28 person fails to provide proof of installation to the extent required by subsection (a) of
 29 Code Section 42-8-111 within the period required by this subsection, the department shall
 30 not reinstate such person's driver's license and, absent a finding by the court of good
 31 cause for that failure, which finding is entered on the court's record, the court shall
 32 revoke or terminate the probation.

33 (2) If the person subject to court ordered ~~installation and~~ use of an ignition interlock
 34 device as a condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2
 35 to apply for reinstatement of his or her driver's license during the period of suspension,
 36 such person shall, prior to applying for reinstatement of the license, have an ignition

1 interlock device installed and shall maintain such ignition interlock device in a motor
 2 vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for
 3 a period of six months running concurrently with that of an ignition interlock device
 4 limited driving permit, which permit shall not be issued until such person submits to the
 5 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,
 6 proof of having undergone any clinical evaluation and of having enrolled in any
 7 substance abuse treatment program required by Code Section 40-5-63.1, and proof of
 8 installation of an ignition interlock device on ~~his or her~~ a vehicle or vehicles to the extent
 9 required by subsection (a) of Code Section 42-8-111. Such a person may apply for and
 10 be issued an ignition interlock device limited driving permit at the end of ~~120 days~~ 12
 11 months after the suspension of the driver's license. At the expiration of such six-month
 12 ignition interlock device limited driving permit, the driver may, if otherwise qualified,
 13 apply for reinstatement of a regular driver's license upon payment of the fee provided in
 14 Code Section 40-5-25.

15 (3) If the person subject to court ordered ~~installation and~~ use of an ignition interlock
 16 device as a condition of probation is authorized under Code Section 40-5-58 or under
 17 Code Section 40-5-67.2 to obtain a habitual violator's probationary license, such person
 18 shall, if such person is a habitual violator as a result of two or more convictions for
 19 driving under the influence of alcohol or drugs, have an ignition interlock device
 20 installed; ~~shall maintain such device~~ and maintained in a motor vehicle or vehicles to the
 21 extent required by subsection (a) of Code Section 42-8-111 for a period of six months
 22 following issuance of the probationary license, and such person shall not during such
 23 six-month period drive any motor vehicle that is not so equipped, all as conditions of such
 24 probationary license. Following expiration of such six-month period with no violation of
 25 the conditions of the probationary license, the person may apply for a habitual violator
 26 probationary license without such ignition interlock device condition.

27 (4) In any case where ~~use~~ installation of an ignition interlock device is required, failure
 28 to show proof of such device shall be grounds for refusal of reinstatement of such license
 29 or issuance of such habitual violator's probationary license or the immediate suspension
 30 or revocation of such license.

31 (c) Each resident of this state who is required to ~~use~~ have an ignition interlock device
 32 installed pursuant to this article shall report to the provider center every 30 days for the
 33 purpose of monitoring the operation of each ~~interlocking~~ required ignition interlock device
 34 ~~in the person's vehicle or vehicles~~. If at any time it is determined that a person has
 35 tampered with the device, the probation officer or the court ordering use of such device or,
 36 in the case of a driver who is not on probation, the Department of Public Safety or its
 37 successor agency shall be given written notice within five days. If an ignition interlock

1 device is found to be malfunctioning, it shall be replaced or repaired, as ordered by the
 2 court or the Department of Public Safety or its successor agency, at the expense of the
 3 provider."

4 **PART II**
 5 **SECTION 2-1.**

6 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 7 amended by striking Code Section 40-2-136, relating to surrender of license plates of
 8 habitual violators, and inserting in lieu thereof the following:

9 "40-2-136.

10 (a) ~~If a person is convicted of violating Code Section 40-6-391 and the person's driver's~~
 11 ~~license is suspended or revoked pursuant to Code Section 40-5-58, the court shall issue an~~
 12 ~~order requiring that the license plate of the motor vehicle which such person was operating~~
 13 ~~at the time of violating Code Section 40-6-391 be surrendered to the court, provided that~~
 14 ~~such motor vehicle is registered in such person's name. In the event a person was~~
 15 ~~operating a motor vehicle not registered in such person's name at the time of violating~~
 16 ~~Code Section 40-6-391~~ Upon any person's second or subsequent conviction of violating
 17 Code Section 40-6-391 within five years, as measured from the dates of previous arrests
 18 for which convictions were obtained to the date of the current arrest for which a conviction
 19 is obtained, the court shall issue an order requiring that the license plate of any motor
 20 vehicle registered in such person's name be surrendered to the court. The court shall notify
 21 the commissioner of public safety and the commissioner of revenue within ten days after
 22 issuing any such order, and the commissioner of revenue shall revoke any such license
 23 plate upon receiving such notice. The court shall issue a receipt for the surrendered license
 24 plate or plates. The court shall forward the surrendered license plate or plates to the local
 25 tag agent immediately upon receipt. For purposes of this subsection, a plea of nolo
 26 contendere shall constitute a conviction.

27 (b) Except as provided in subsection (c) of this Code section, no new license plate or plates
 28 may be issued to a person subject to a court order issued pursuant to subsection (a) of this
 29 Code section until such person has been issued a limited driving permit or probationary
 30 driver's license in accordance with Code Section 42-8-112 or the driver's license of such
 31 person has been reissued or reinstated, whichever first occurs; and, except as provided in
 32 this subsection or subsection (c) of this Code section, it shall be a misdemeanor for such
 33 person to obtain a new license plate or plates.

34 (c)(1) A person who is subject to a court order issued pursuant to subsection (a) of this
 35 Code section may apply to the commissioner of public safety for authorization to obtain

1 a new license plate or plates bearing a special series of numbers and letters so as to be
 2 identifiable by law enforcement officers. Such license plate shall not, in and of itself,
 3 constitute probable cause to authorize a traffic stop, search of a motor vehicle, or seizure.
 4 The commissioner of public safety shall ~~determine whether the applicant has a valid~~
 5 ~~limited driving permit or probationary license or whether~~ authorize the issuance of such
 6 a special license plate only if he or she determines that there is another member of such
 7 person's household who possesses a valid driver's license and that a co-owner of the
 8 vehicle or a member of the offender's family, other than the offender, is completely
 9 dependent upon the motor vehicle for the necessities of life and would be subjected to
 10 undue hardship without such special license plate; and in no event shall such
 11 ~~determination~~ decision take more than five business days. A local tag agent shall not
 12 issue any plates except on written approval of the commissioner of public safety, payment
 13 of a \$20.00 fee for each vehicle for which a special plate is issued, and compliance by the
 14 applicant with all applicable state laws. The written authorization from the commissioner
 15 of public safety shall specify the maximum number of license plates a person may obtain.

16 (2) A motor vehicle owned or leased by a person subject to a court order issued pursuant
 17 to subsection (a) of this Code section or for which a license plate has been issued subject
 18 to paragraph (1) of this subsection may not be sold or conveyed unless the commissioner
 19 of revenue determines, upon receipt of proper application, that the proposed sale or
 20 conveyance is in good faith, that the person subject to such court order will be deprived
 21 of custody or control of the motor vehicle, and that the sale or conveyance is not for the
 22 purpose of circumventing the provisions of this Code section. Upon making such
 23 determination, the commissioner of revenue shall transfer the certificate of title to such
 24 vehicle and issue a new certificate of registration and license plate.

25 (3) If the title to a motor vehicle owned by a person subject to a court order issued
 26 pursuant to subsection (a) of this Code section or for which a license plate has been
 27 issued pursuant to paragraph (1) of this subsection is transferred by the foreclosure,
 28 cancellation of a conditional sales contract, sale upon execution, or order of a court of
 29 competent jurisdiction, the commissioner of revenue shall transfer the certificate of title
 30 as provided in Code Section 40-3-34 and issue a new license plate to the new registered
 31 owner.

32 (4) Upon full restoration of the driving privileges of a person subject to a court order
 33 under subsection (a) of this Code section, the commissioner of public safety shall
 34 authorize the person to apply for a regular issue license plate. The fee for a regular issue
 35 license plate shall be as provided by Code Section 48-10-2. As a condition of obtaining
 36 any regular issue license plate, the person shall surrender his or her special issue license
 37 plate to the local tag agent.

1 (5) Nothing in this Code section shall be deemed to waive any lawful requirement for the
2 issuance of a license plate including, but not limited to, proof of financial responsibility.

3 (6) Display of a license plate issued pursuant to paragraph (1) of this subsection shall not
4 constitute probable cause for stopping or detaining a vehicle.

5 (7) Any person aggrieved by a decision of the commissioner of public safety pursuant
6 to paragraph (1) of this subsection may make a request in writing to the Office of State
7 Administrative Hearings for a hearing. Such hearing shall follow the procedures required
8 by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

9 SECTION 2-2.

10 Said title is further amended by striking Code Section 40-5-57.1, relating to revocation of
11 licenses of persons under age 21 for certain offenses and issuance of new licenses following
12 revocations, and inserting in lieu thereof the following:

13 "40-5-57.1.

14 (a) Notwithstanding any other provision of this chapter, the driver's license of any person
15 under 21 years of age convicted of hit and run or leaving the scene of an accident in
16 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle
17 in fleeing or attempting to elude an officer, reckless driving, any offense for which four
18 or more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an
19 alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,
20 or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation
21 of Code Section 40-6-391 shall be ~~revoked~~ suspended by the department as provided by
22 this Code section, ~~and a driver's license revoked under this subsection shall not be~~
23 ~~reinstated~~. A plea of nolo contendere shall be considered a conviction for purposes of this
24 subsection. Notice of ~~revocation~~ suspension shall be given by certified mail or statutory
25 overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by
26 personal service upon such person. Such license shall be surrendered within ten days of
27 notification of such ~~revocation~~ suspension. Notice given by certified mail or statutory
28 overnight delivery, return receipt requested, mailed to the person's last known address shall
29 be prima-facie evidence that such person received the required notice.

30 (b) A person whose driver's license has been ~~revoked~~ suspended under subsection (a) of
31 this Code section shall:

32 (1) ~~Except~~ Subject to the requirements of subsection (c) of this Code section and except
33 as otherwise provided by paragraph (2) of this subsection:

34 (A) Upon a first such ~~revocation~~ suspension, be eligible to apply for license
35 reinstatement and, subject to successful recompletion of the examination requirements
36 of Code Section 40-5-27 and payment of required fees, be issued a new driver's license

1 have his or her driver's license reinstated six months from the date on which the
 2 ~~revoked~~ suspended license was surrendered to and received by the department; and
 3 (B) Upon a second or subsequent such ~~revocation~~ suspension, be eligible to apply for
 4 license reinstatement and, subject to successful recompletion of the examination
 5 requirements of Code Section 40-5-27 and payment of required fees, ~~be issued a new~~
 6 ~~driver's license~~ have his or her driver's license reinstated 12 months from the date on
 7 which the ~~revoked~~ suspended license was surrendered to and received by the
 8 department; or

9 (2) If the driver's license was ~~revoked~~ suspended upon conviction for violation of Code
 10 Section 40-6-391, be subject to the provisions of Code Section 40-5-63; except that if
 11 such driver was convicted of driving under the influence of alcohol or of having an
 12 unlawful alcohol concentration and is otherwise subject to the provisions of paragraph
 13 (1) of subsection (a) of Code Section 40-5-63, then:

14 (A) If the driver's alcohol concentration at the time of the offense was less than 0.08
 15 grams, he or she shall not be eligible for license reinstatement until the end of 6
 16 months; or

17 (B) If and the driver's alcohol concentration at the time of the offense was 0.08 grams
 18 or more, he or she shall not be eligible for license reinstatement until the end of 12
 19 months.

20 Any driver subject to the provisions of this paragraph shall, as an additional prerequisite
 21 for license reinstatement, be required to successfully recomplete ~~be eligible to apply for~~
 22 ~~and, subject to the examination requirements of Code Section 40-5-27 and payment of~~
 23 ~~required fees, be issued a new driver's license 12 months from the date on which the~~
 24 ~~revoked license was surrendered to and received by the department.~~

25 (b.1) In any case where a person's driver's license was administratively suspended as a
 26 result of the offense for which the person's driver's license has been ~~revoked~~ suspended
 27 pursuant to this Code section, the administrative license suspension period and the license
 28 ~~revocation~~ suspension period provided by this Code section may run concurrently, and any
 29 completed portion of such administrative license suspension period shall apply toward
 30 completion of the license ~~revocation~~ suspension period provided by this Code section.

31 ~~(c) Any person whose driver's license is revoked under subsection (a) of this Code section~~
 32 ~~for violation of Code Section 40-6-391 shall not be issued a new driver's license without~~
 33 ~~submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program~~
 34 ~~approved by the Department of Human Resources and payment of a fee equivalent to that~~
 35 ~~required for restoration of a suspended driver's license under paragraph (1) of subsection~~
 36 ~~(a) of Code Section 40-5-67.2; provided, however, that such fee shall not be required for~~
 37 ~~the issuance of a new driver's license under this subsection if such person's driver's license~~

1 ~~was administratively suspended as a result of the offense for which the person's driver's~~
 2 ~~license has been revoked pursuant to this Code section and the restoration fee was paid for~~
 3 ~~such suspended driver's license.~~

4 ~~(d)~~(c) Any person whose driver's license is ~~is revoked~~ suspended under subsection (a) of this
 5 Code section for commission of any offense other than violation of Code Section 40-6-391
 6 shall not be issued a new driver's license without submitting become valid and shall remain
 7 suspended until such person submits proof of completion of a defensive driving program
 8 approved by the Department of Public Safety and ~~payment of~~ pays a fee equivalent to that
 9 required for restoration of a suspended driver's license under paragraph (1) of subsection
 10 (a) of Code Section 40-5-63; provided, however, that such fee shall not be required ~~for the~~
 11 ~~issuance of a new driver's license~~ under this subsection if such person's driver's license
 12 was administratively suspended as a result of the offense for which the person's driver's
 13 license has been ~~revoked~~ suspended pursuant to this Code section and the restoration fee
 14 was paid for such administratively suspended driver's license."

15 SECTION 2-3.

16 Said title is further amended in Code Section 40-5-63, relating to periods of suspension and
 17 conditions to return of license, by striking paragraph (2) of subsection (a) and inserting in
 18 lieu thereof the following:

19 "(2) Upon the second conviction of any such offense within five years, as measured from
 20 the dates of previous arrests for which convictions were obtained to the date of the
 21 current arrest for which a conviction is obtained, the period of suspension shall be for
 22 three years. At the end of 120 days, the person may apply to the Department of Public
 23 Safety for reinstatement of said driver's license; except that if such license was suspended
 24 as a result of a second conviction of a violation of Code Section 40-6-391 within five
 25 years, the person shall not be eligible to apply for license reinstatement until the end of
 26 ~~ten~~ 18 months. Such license shall be reinstated if such person submits proof of
 27 completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the
 28 Department of Human Resources and pays a restoration fee of \$210.00 or \$200.00 when
 29 processed by mail, provided that, if such license was suspended as a result of a conviction
 30 of an offense listed in Code Section 40-5-54, such license shall be reinstated if such
 31 person submits proof of completion of either a defensive driving program approved by
 32 the Department of Public Safety or a DUI Alcohol or Drug Use Risk Reduction Program
 33 approved by the Department of Human Resources and pays the prescribed restoration fee.
 34 A driver's license suspended as a result of a conviction of a violation of Code Section
 35 40-6-391 shall not become valid and shall remain suspended until such person submits
 36 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved

1 by the Department of Human Resources and pays the prescribed restoration fee. For
 2 purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of
 3 nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period
 4 of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo
 5 contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas
 6 of nolo contendere within five years, as measured from the dates of previous arrests for
 7 which convictions were obtained or pleas of nolo contendere were accepted to the date
 8 of the current arrest for which a plea of nolo contendere is accepted, shall be considered
 9 and counted as convictions; or"

10 SECTION 2-4.

11 Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions for
 12 suspension of license under subsection (c) of Code Section 40-5-67.1, by striking paragraph
 13 (2) of subsection (a) and inserting in lieu thereof the following:

14 "(2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1
 15 within five years, as measured from the dates of previous arrests for which suspensions
 16 were obtained to the date of the current arrest for which a suspension is obtained, the
 17 period of suspension shall be for three years. ~~Not sooner than 120 days following the~~
 18 ~~effective date of suspension, the person may apply to the Department of Public Safety for~~
 19 ~~reinstatement of the person's driver's license; except that if such license was suspended~~
 20 ~~as a result of a second arrest for violation of Code Section 40-6-391 within five years, the~~
 21 The person shall be eligible to apply to the department for license reinstatement not
 22 sooner than ~~ten~~ 18 months following the effective date of suspension. Such license shall
 23 be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use
 24 Risk Reduction Program approved by the Department of Human Resources and pays a
 25 restoration fee of \$210.00 or \$200.00 when processed by mail. A driver's license
 26 suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain
 27 suspended until such person submits proof of completion of a DUI Alcohol or Drug Use
 28 Risk Reduction Program approved by the Department of Human Resources and pays the
 29 prescribed restoration fee."

30 PART III

31 SECTION 3-1.

32 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 33 amended by striking Code Section 40-2-136, relating to surrender of license plates of
 34 habitual violators, and inserting in lieu thereof the following:

1 "40-2-136.

2 (a) ~~If a person is convicted of violating Code Section 40-6-391 and the person's driver's~~
 3 ~~license is suspended or revoked pursuant to Code Section 40-5-58, the court shall issue an~~
 4 ~~order requiring that the license plate of the motor vehicle which such person was operating~~
 5 ~~at the time of violating Code Section 40-6-391 be surrendered to the court, provided that~~
 6 ~~such motor vehicle is registered in such person's name. In the event a person was~~
 7 ~~operating a motor vehicle not registered in such person's name at the time of violating~~
 8 ~~Code Section 40-6-391~~ Upon any person's second or subsequent conviction of violating
 9 Code Section 40-6-391 within five years, as measured from the dates of previous arrests
 10 for which convictions were obtained to the date of the current arrest for which a conviction
 11 is obtained, the court shall issue an order requiring that the license plate of any motor
 12 vehicle registered in such person's name be surrendered to the court. The court shall notify
 13 the commissioner within ten days after issuing any such order, and the commissioner shall
 14 revoke any such license plate upon receiving such notice. The court shall issue a receipt
 15 for the surrendered license plate or plates. The court shall forward the surrendered license
 16 plate or plates to the local tag agent immediately upon receipt. For purposes of this
 17 subsection, a plea of nolo contendere shall constitute a conviction.

18 (b) Except as provided in subsection (c) of this Code section, no new license plate or plates
 19 may be issued to a person subject to a court order issued pursuant to subsection (a) of this
 20 Code section until such person has been issued a limited driving permit or probationary
 21 driver's license in accordance with Code Section 42-8-112 or the driver's license of such
 22 person has been reissued or reinstated, whichever first occurs; and, except as provided in
 23 this subsection or subsection (c) of this Code section, it shall be a misdemeanor for such
 24 person to obtain a new license plate or plates.

25 (c)(1) A person who is subject to a court order issued pursuant to subsection (a) of this
 26 Code section may apply to the commissioner for authorization to obtain a new license
 27 plate or plates bearing a special series of numbers and letters so as to be identifiable by
 28 law enforcement officers. Such license plate shall not, in and of itself, constitute probable
 29 cause to authorize a traffic stop, search of a motor vehicle, or seizure. The commissioner
 30 shall ~~determine whether the applicant has a valid limited driving permit or probationary~~
 31 ~~license or whether~~ authorize the issuance of such a special license plate only if he or she
 32 determines that there is another member of such person's household who possesses a
 33 valid driver's license and that a co-owner of the vehicle or a member of the offender's
 34 family, other than the offender, is completely dependent upon the motor vehicle for the
 35 necessities of life and would be subjected to undue hardship without such special license
 36 plate; ~~and~~ in no event shall such ~~determination~~ decision take more than five business
 37 days. A local tag agent shall not issue any plates except on written approval of the

1 commissioner, payment of a \$20.00 fee for each vehicle for which a special plate is
2 issued, and compliance by the applicant with all applicable state laws. The written
3 authorization from the commissioner shall specify the maximum number of license plates
4 a person may obtain.

5 (2) A motor vehicle owned or leased by a person subject to a court order issued pursuant
6 to subsection (a) of this Code section or for which a license plate has been issued subject
7 to paragraph (1) of this subsection may not be sold or conveyed unless the commissioner
8 determines, upon receipt of proper application, that the proposed sale or conveyance is
9 in good faith, that the person subject to such court order will be deprived of custody or
10 control of the motor vehicle, and that the sale or conveyance is not for the purpose of
11 circumventing the provisions of this Code section. Upon making such determination, the
12 commissioner shall transfer the certificate of title to such vehicle and issue a new
13 certificate of registration and license plate.

14 (3) If the title to a motor vehicle owned by a person subject to a court order issued
15 pursuant to subsection (a) of this Code section or for which a license plate has been
16 issued pursuant to paragraph (1) of this subsection is transferred by the foreclosure,
17 cancellation of a conditional sales contract, sale upon execution, or order of a court of
18 competent jurisdiction, the commissioner shall transfer the certificate of title as provided
19 in Code Section 40-3-34 and issue a new license plate to the new registered owner.

20 (4) Upon full restoration of the driving privileges of a person subject to a court order
21 under subsection (a) of this Code section, the commissioner shall authorize the person to
22 apply for a regular issue license plate. The fee for a regular issue license plate shall be
23 as provided by Code Section 48-10-2. As a condition of obtaining any regular issue
24 license plate, the person shall surrender his or her special issue license plate to the local
25 tag agent.

26 (5) Nothing in this Code section shall be deemed to waive any lawful requirement for the
27 issuance of a license plate including, but not limited to, proof of financial responsibility.

28 (6) Display of a license plate issued pursuant to paragraph (1) of this subsection shall not
29 constitute probable cause for stopping or detaining a vehicle.

30 (7) Any person aggrieved by a decision of the commissioner pursuant to paragraph (1)
31 of this subsection may make a request in writing to the Office of State Administrative
32 Hearings for a hearing. Such hearing shall follow the procedures required by Chapter 13
33 of Title 50, the 'Georgia Administrative Procedure Act.'

SECTION 3-2.

Said title is further amended by striking Code Section 40-5-57.1, relating to revocation of licenses of persons under age 21 for certain offenses and issuance of new licenses following revocations, and inserting in lieu thereof the following:

"40-5-57.1.

(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation of Code Section 40-6-391 shall be ~~revoked~~ suspended by the department as provided by this Code section, ~~and a driver's license revoked under this subsection shall not be reinstated.~~ A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of ~~revocation~~ suspension shall be given by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. Such license shall be surrendered within ten days of notification of such ~~revocation~~ suspension. Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice.

(b) A person whose driver's license has been ~~revoked~~ suspended under subsection (a) of this Code section shall:

(1) ~~Except~~ Subject to the requirements of subsection (c) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such ~~revocation~~ suspension, be eligible to apply for license reinstatement and, subject to successful recompletion of the examination requirements of Code Section 40-5-27 and payment of required fees, ~~be issued a new driver's license~~ have his or her driver's license reinstated six months from the date on which the ~~revoked~~ suspended license was surrendered to and received by the department; and

(B) Upon a second or subsequent such ~~revocation~~ suspension, be eligible to apply for license reinstatement and, subject to successful recompletion of the examination requirements of Code Section 40-5-27 and payment of required fees, ~~be issued a new driver's license~~ have his or her driver's license reinstated 12 months from the date on which the revoked license was surrendered to and received by the department; or

(2) If the driver's license was ~~revoked~~ suspended upon conviction for violation of Code Section 40-6-391, be subject to the provisions of Code Section 40-5-63; except that if

1 such driver was convicted of driving under the influence of alcohol or of having an
 2 unlawful alcohol concentration and is otherwise subject to the provisions of paragraph
 3 (1) of subsection (a) of Code Section 40-5-63, then:

4 (A) If the driver's alcohol concentration at the time of the offense was less than 0.08
 5 grams, he or she shall not be eligible for license reinstatement until the end of six
 6 months; or

7 (B) If and the driver's alcohol concentration at the time of the offense was 0.08 grams
 8 or more, he or she shall not be eligible for license reinstatement until the end of 12
 9 months.

10 Any driver subject to the provisions of this paragraph shall, as an additional prerequisite
 11 for license reinstatement, be required to successfully recomplete be eligible to apply for
 12 and, subject to the examination requirements of Code Section 40-5-27 and payment of
 13 required fees, be issued a new driver's license 12 months from the date on which the
 14 revoked license was surrendered to and received by the department.

15 (b.1) In any case where a person's driver's license was administratively suspended as a
 16 result of the offense for which the person's driver's license has been ~~revoked~~ suspended
 17 pursuant to this Code section, the administrative license suspension period and the license
 18 ~~revocation~~ suspension period provided by this Code section may run concurrently, and any
 19 completed portion of such administrative license suspension period shall apply toward
 20 completion of the license ~~revocation~~ suspension period provided by this Code section.

21 ~~(c) Any person whose driver's license is revoked under subsection (a) of this Code section~~
 22 ~~for violation of Code Section 40-6-391 shall not be issued a new driver's license without~~
 23 ~~submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program~~
 24 ~~approved by the Department of Human Resources and payment of a fee equivalent to that~~
 25 ~~required for restoration of a suspended driver's license under paragraph (1) of subsection~~
 26 ~~(a) of Code Section 40-5-67.2; provided, however, that such fee shall not be required for~~
 27 ~~the issuance of a new driver's license under this subsection if such person's driver's license~~
 28 ~~was administratively suspended as a result of the offense for which the person's driver's~~
 29 ~~license has been revoked pursuant to this Code section and the restoration fee was paid for~~
 30 ~~such suspended driver's license.~~

31 ~~(d)~~(c) Any person whose driver's license is ~~revoked~~ suspended under subsection (a) of this
 32 Code section for commission of any offense other than violation of Code Section 40-6-391
 33 shall not be issued a new driver's license without submitting become valid and shall remain
 34 suspended until such person submits proof of completion of a defensive driving program
 35 approved by the department and ~~payment of~~ pays a fee equivalent to that required for
 36 restoration of a suspended driver's license under paragraph (1) of subsection (a) of Code
 37 Section 40-5-63; provided, however, that such fee shall not be required for the issuance of

1 ~~a new driver's license~~ under this subsection if such person's driver's license was
 2 administratively suspended as a result of the offense for which the person's driver's license
 3 has been ~~revoked~~ suspended pursuant to this Code section and the restoration fee was paid
 4 for such administratively suspended driver's license."

5 SECTION 3-3.

6 Said title is further amended in Code Section 40-5-63, relating to periods of suspension and
 7 conditions to return of license, by striking paragraph (2) of subsection (a) and inserting in
 8 lieu thereof the following:

9 "(2) Upon the second conviction of any such offense within five years, as measured from
 10 the dates of previous arrests for which convictions were obtained to the date of the
 11 current arrest for which a conviction is obtained, the period of suspension shall be for
 12 three years. At the end of 120 days, the person may apply to the department for
 13 reinstatement of said driver's license; except that if such license was suspended as a result
 14 of a second conviction of a violation of Code Section 40-6-391 within five years, the
 15 person shall not be eligible to apply for license reinstatement until the end of ~~ten~~ 18
 16 months. Such license shall be reinstated if such person submits proof of completion of
 17 a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of
 18 Human Resources and pays a restoration fee of \$210.00 or \$200.00 when processed by
 19 mail, provided that, if such license was suspended as a result of a conviction of an offense
 20 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
 21 proof of completion of either a defensive driving program approved by the department
 22 or a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of
 23 Human Resources and pays the prescribed restoration fee. A driver's license suspended
 24 as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid
 25 and shall remain suspended until such person submits proof of completion of a DUI
 26 Alcohol or Drug Use Risk Reduction Program approved by the Department of Human
 27 Resources and pays the prescribed restoration fee. For purposes of this paragraph, a plea
 28 of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed
 29 in Code Section 40-5-54 within such five-year period of time shall constitute a
 30 conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of
 31 violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within
 32 five years, as measured from the dates of previous arrests for which convictions were
 33 obtained or pleas of nolo contendere were accepted to the date of the current arrest for
 34 which a plea of nolo contendere is accepted, shall be considered and counted as
 35 convictions; or"

SECTION 3-4.

Said title is further amended in Code Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection (c) of Code Section 40-5-67.1, by striking paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. ~~Not sooner than 120 days following the effective date of suspension, the person may apply to the department for reinstatement of the person's driver's license, except that if such license was suspended as a result of a second arrest for violation of Code Section 40-6-391 within five years, the~~ The person shall be eligible to apply to the department for license reinstatement not sooner than ~~ten~~ 18 months following the effective date of suspension. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources and pays a restoration fee of \$210.00 or \$200.00 when processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources and pays the prescribed restoration fee."

PART IV**SECTION 4-1.**

(a) This Act shall become effective July 1, 2001, except as otherwise provided by subsection (b) of this section.

(b) Each provision amended in Part III of this Act shall become effective and supersede that respective provision amended in Part II of this Act on July 1, 2001, or on such date thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever is later.

SECTION 4-2.

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