

House Bill 385 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 175<sup>th</sup>, Turnquest of the 73<sup>rd</sup> and Dukes of the 161<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to provide for the Blue Ribbon Young Driver and DUI Study Commission; 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 amend Code Section 43-13-10  
24 of the Official Code of Georgia Annotated, relating to exceptions to operation of "The Driver  
25 Training School License Act," so as to expressly authorize driver training courses to be  
26 conducted by secondary schools; to provide effective dates; to repeal conflicting laws; and  
27 for other purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **PART I**

3 **SECTION 1-0.**

4 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
5 amended by inserting a new Code Section 40-5-7 to read as follows:

6 "40-5-7.

7 (a) There is created the Blue Ribbon Young Driver and DUI Study Commission to be  
8 composed of 21 members to be appointed as follows: seven members shall be appointed  
9 by the Governor, seven members shall be appointed by the President of the Senate, and  
10 seven members shall be appointed by the Speaker of the House of Representatives. In  
11 making such appointments, due consideration shall be given to appointing persons from  
12 geographic areas throughout the state and to including persons who work in law  
13 enforcement, parents of young drivers, and relatively young or less experienced drivers.  
14 The Governor shall designate a person to serve as chairperson of the commission. The  
15 chairperson shall call all meetings of the commission.

16 (b) The commission shall undertake a study of the special conditions, needs, issues, and  
17 problems related to:

18 (1) Young drivers in this state, including without limitation issues concerning driver  
19 education and appropriate driving age for rural and urban areas; and

20 (2) Drivers who operate motor vehicles while under the influence of alcohol or other  
21 intoxicating substances.

22 (c) The commission may conduct such meetings at such places and at such times as it may  
23 deem necessary or convenient to enable it to exercise fully and effectively its powers,  
24 perform its duties, and accomplish the objectives and purposes of this Code section,  
25 provided that the commission shall give due regard to conducting hearings at locations  
26 throughout the state.

27 (d) Any legislative members of the commission shall receive the allowances authorized  
28 for legislative members of interim legislative committees but shall receive the same for not  
29 more than ten days unless additional days are authorized by concurrence of the Governor,  
30 President of the Senate, and Speaker of the House of Representatives. Any members of the  
31 commission who are public officers of the executive branch shall receive no compensation  
32 for their services on the commission, but they shall be reimbursed for expenses incurred  
33 by them in the performance of their duties as members of the commission. Any members  
34 of the commission who are not legislative members or public officers of the executive  
35 branch shall receive no compensation for their services on the commission, but they shall  
36 receive a daily expense allowance in the amount specified in subsection (b) of Code

1 Section 45-7-21. The funds necessary for the reimbursement of the expenses of the public  
 2 officers of the executive branch shall come from funds appropriated or otherwise available  
 3 to their departments. All other funds necessary to carry out the provisions of this Code  
 4 section shall come from the funds appropriated to or otherwise available to the House of  
 5 Representatives and Senate.

6 (e) The commission shall recommend any actions or legislation which the commission  
 7 deems necessary or appropriate. The commission shall make an interim report of its  
 8 findings and recommendations with suggestions for proposed legislation, if any, to the  
 9 Governor and the General Assembly not later than December 15, 2001. The commission  
 10 shall make a final report of its findings and recommendations with suggestions for  
 11 proposed legislation, if any, to the Governor and the General Assembly not later than June  
 12 30, 2002.

13 (f) The commission shall stand abolished and this Code section shall be automatically  
 14 repealed on December 31, 2002."

#### 15 SECTION 1-1.

16 Said title is further amended in Code Section 40-5-55, relating to implied consent to chemical  
 17 tests, by striking subsection (a) and inserting in lieu thereof the following:

18 "~~(a) The State of Georgia considers that the persons who are under the influence of alcohol~~  
 19 ~~or drugs while operating a motor vehicle or who have a blood alcohol concentration of 0.10~~  
 20 ~~grams or more at any time within three hours after operating a motor vehicle from alcohol~~  
 21 ~~consumed before such driving or actual physical control ended or who have any amount~~  
 22 ~~of marijuana or any controlled substance without prescription present in their blood or~~  
 23 ~~urine, without regard to the presence of alcohol, while operating a motor vehicle constitute~~  
 24 any person who drives or is in actual physical control of any moving vehicle in violation  
 25 of any provision of Code Section 40-6-391 constitutes a direct and immediate threat to the  
 26 welfare and safety of the general public. Therefore, any person who operates a motor  
 27 vehicle upon the highways or elsewhere throughout this state shall be deemed to have  
 28 given consent, subject to Code Section 40-6-392, to a chemical test or tests of his or her  
 29 blood, breath, urine, or other bodily substances for the purpose of determining the presence  
 30 of alcohol or any other drug, if arrested for any offense arising out of acts alleged to have  
 31 been committed in violation of Code Section 40-6-391 or if such person is involved in any  
 32 traffic accident resulting in serious injuries or fatalities. The test or tests shall be  
 33 administered at the request of a law enforcement officer having reasonable grounds to  
 34 believe that the person has been driving or was in actual physical control of a moving  
 35 motor vehicle upon the highways or elsewhere throughout this state in violation of Code  
 36 Section 40-6-391. The test or tests shall be administered as soon as possible to any person

1 who operates a motor vehicle upon the highways or elsewhere throughout this state who  
 2 is involved in any traffic accident resulting in serious injuries or fatalities. Subject to Code  
 3 Section 40-6-392, the requesting law enforcement officer shall designate which of the test  
 4 or tests shall be administered, provided a blood test with drug screen may be administered  
 5 to any person operating a motor vehicle involved in a traffic accident resulting in serious  
 6 injuries or fatalities."

7 **SECTION 1-2.**

8 Said title is further amended in Code Section 40-5-57, relating to suspension or revocation  
 9 of license of habitually negligent or dangerous driver and the point system, by striking  
 10 subparagraph (c)(1)(A) and inserting in lieu thereof the following:

11 "(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be  
 12 assessed for each offense shall be as provided in the following schedule:

13	<u>Aggressive driving</u> .....	<u>6 points</u>
14	Reckless driving .....	4 points
15	Unlawful passing of a school bus .....	6 points
16	Improper passing on a hill or a curve .....	4 points
17	Exceeding the speed limit by more than 14 miles per hour but less than 19	
18	miles per hour .....	2 points
19	Exceeding the speed limit by 19 miles per hour or more but less than 24	
20	miles per hour .....	3 points
21	Exceeding the speed limit by 24 miles per hour or more but less than 34	
22	miles per hour .....	4 points
23	Exceeding the speed limit by 34 miles per hour or more .....	6 points
24	Disobedience of any traffic-control device or traffic officer .....	3 points
25	Too fast for conditions .....	0 points
26	Possessing an open container of an alcoholic beverage while driving ....	2 points
27	Failure to adequately secure a load, except fresh farm produce, resulting in	
28	loss of such load onto the roadway which results in an accident .....	2 points
29	Violation of child safety restraint requirements, first offense .....	1 point
30	Violation of child safety restraint requirements, second or subsequent	
31	offense .....	2 points
32	All other moving traffic violations which are not speed limit violations ..	3 points"

**SECTION 1-3.**

Said title is further amended in Code Section 40-5-67.1, relating to chemical tests to determine whether a driver is under the influence of alcohol or drugs, implied consent notices, rights of motorists, and administrative procedures, by striking paragraphs (1) and (2) of subsection (b), subsection (c), and subparagraph (g)(2)(E) and inserting in lieu thereof the following:

"(1) Implied consent notice for suspects under age 21:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.02 grams or more, your Georgia driver's license or privilege to drive on the highways of this state ~~will be suspended and, if you are convicted of having such an alcohol concentration, will be revoked~~ may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law?'

(2) Implied consent notice for suspects age 21 or over:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of ~~0.10~~ 0.08 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law?'"

"(c) If a person under arrest or a person who was involved in any traffic accident resulting in serious injuries or fatalities submits to a chemical test upon the request of a law

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

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

#### 24 SECTION 1-4.

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

28 "40-6-253.

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

30 (1) 'Alcoholic beverage' means:

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

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

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

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

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

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

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

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

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

18 (A) Consume any alcoholic beverage; or

19 (B) Possess any open alcoholic beverage container

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

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

26 (3) For the purposes of this Code section, an open container shall be considered to be in  
27 the possession of the operator of a vehicle if the container is not in the possession of a  
28 passenger and is not located in a locked glove compartment, locked trunk, or other locked  
29 nonpassenger area of the vehicle Only a person who consumes an alcoholic beverage or  
30 possesses an open alcoholic beverage container in violation of this Code section shall be  
31 charged with such offense; provided, however, that an operator of a motor vehicle who  
32 is alone in the passenger area of such motor vehicle shall be deemed to be in possession  
33 of any open alcoholic beverage container in such passenger area.

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

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



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

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

8 (B) A mandatory period of imprisonment of not less than 120 days nor more than 12  
 9 months. ~~At the sole discretion and under such terms and conditions as the judge shall~~  
 10 ~~impose, the judge may suspend, stay, or probate all but ten days of any term of~~  
 11 ~~imprisonment imposed under this subparagraph~~ The judge shall probate at least a  
 12 portion of such term of imprisonment, in accordance with subparagraph (F) of this  
 13 paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8  
 14 of Title 42 and to such other terms and conditions as the judge may impose; provided,  
 15 however, that the offender shall be required to serve not less than 15 days of actual  
 16 incarceration;

17 (C) Not less than ~~20~~ 30 days of community service, ~~except that for a third or~~  
 18 ~~subsequent conviction for violation of subsection (k) of this Code section where the~~  
 19 ~~person's alcohol concentration at the time of the offense was less than 0.08 grams, the~~  
 20 ~~period of community service shall be not less than 40 hours;~~

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

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

27 (F) ~~If the defendant is sentenced to a period of imprisonment for less than 12 months,~~  
 28 ~~a~~ A period of probation of 12 months less any days during which the defendant is  
 29 actually incarcerated."

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

### 32 SECTION 1-6.

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

35 "(b) Except as provided in subsection (c) of this Code section, upon the trial of any civil  
 36 or criminal action or proceeding arising out of acts alleged to have been committed by any

1 person in violation of Code Section 40-6-391, the amount of alcohol in the person's blood  
 2 at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or  
 3 other bodily substance, shall may give rise to ~~the following presumptions~~ inferences as  
 4 follows:

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

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

16 ~~(3) If there was at that time an alcohol concentration of 0.08 grams or more, it shall be~~  
 17 ~~presumed that the person was under the influence of alcohol, as prohibited by paragraphs~~  
 18 ~~(1), (2), and (4) of subsection (a) of Code Section 40-6-391, and~~

19 ~~(4)(c)(1)~~ In any civil or criminal action or proceeding arising out of acts alleged to have  
 20 been committed in violation of paragraph (5) of subsection (a) of Code Section 40-6-391,  
 21 if ~~if~~ there was at that time or within three hours after driving or being in actual physical  
 22 control of a moving vehicle from alcohol consumed before such driving or being in actual  
 23 physical control ended an alcohol concentration of ~~0.10~~ 0.08 or more grams in the  
 24 person's blood, breath, or urine, the person shall be in violation of paragraph (5) of  
 25 subsection (a) of Code Section 40-6-391.

26 ~~(e)~~(1) In any civil or criminal action or proceeding arising out of acts alleged to have  
 27 been committed by any person in violation of subsection (i) of Code Section 40-6-391,  
 28 if there was at that time or within three hours after driving or being in actual physical  
 29 control of a moving vehicle from alcohol consumed before such driving or being in actual  
 30 physical control ended an alcohol concentration of 0.04 grams or more in the person's  
 31 blood, breath, or urine, the person shall be in violation of subsection (i) of Code Section  
 32 40-6-391.

33 (2) In any civil or criminal action or proceeding arising out of acts alleged to have been  
 34 committed by any person in violation of subsection (k) of Code Section 40-6-391, if there  
 35 was at that time or within three hours after driving or being in actual physical control of  
 36 a moving vehicle from alcohol consumed before such driving or being in actual physical  
 37 control ended an alcohol concentration of 0.02 grams or more in the person's blood,

1 breath, or urine, the person shall be in violation of subsection (k) of Code Section  
2 40-6-391."

3 "(e)(1) A certification by the office of the Secretary of State or by the Department of  
4 Human Resources that a person who drew blood was a licensed or certified physician,  
5 physician's assistant, registered nurse, practical nurse, medical technologist, medical  
6 laboratory technician, or phlebotomist at the time the blood was drawn;

7 (2) Testimony, under oath, of the blood drawer; or

8 (3) Testimony, under oath, of the blood drawer's supervisor or medical records custodian  
9 that the blood drawer was properly trained and authorized to draw blood as an employee  
10 of the medical facility or employer

11 shall be admissible into evidence for the purpose of establishing that such person was  
12 qualified to draw blood as required by this Code section."

### 13 SECTION 1-7.

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

15 "40-6-397.

16 (a) A person commits the offense of aggressive driving when he or she operates any motor  
17 vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another  
18 person, including without limitation violating Code Section 40-6-42, 40-6-48, 40-6-49,  
19 40-6-123, 40-6-184, 40-6-312, or 40-6-390 with such intent.

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

### 22 SECTION 1-8.

23 Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to  
24 ignition interlock devices as condition of probation, is amended by striking Code Section  
25 42-8-111, relating to court ordered installation of ignition interlock devices, completion of  
26 alcohol and drug reduction program, notice to the Department of Public Safety, and fees for  
27 drivers' licenses, and inserting in lieu thereof the following:

28 "42-8-111.

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

34 (1) Such ~~such~~ person shall have installed and shall maintain in a each motor vehicle  
35 registered in such person's name throughout the applicable six-month period prescribed

1 by subsection (b) of Code Section 42-8-112 a functioning, certified ignition interlock  
 2 device, unless the court exempts the person from the requirements of this paragraph based  
 3 upon the court's determination that such requirements would subject the person to undue  
 4 financial hardship; and ~~that such~~

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

10 ~~provided, however, that if a person subject to the provisions of this subsection is authorized~~  
 11 ~~under Code Section 40-5-63 to apply for reinstatement of his or her driver's license during~~  
 12 ~~the period of license suspension provided by said Code section, the court may in lieu of~~  
 13 ~~ordering such installation and use of an ignition interlock device order that such person~~  
 14 ~~shall not be eligible for any limited driving permit prior to license reinstatement. For the~~  
 15 purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a  
 16 conviction of any offense under the law of another state or territory substantially  
 17 conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of  
 18 violating said Code section.

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

25 ~~(c)(1) If use of an ignition interlock device is ordered~~ In the case of any person subject to  
 26 the provisions of subsection (a) of this Code section, the court shall include in the record  
 27 of conviction or violation submitted to the Department of Public Safety or its successor  
 28 agency notice of the requirement for, and the period of the requirement for, the use of a  
 29 certified ignition interlock device. Such notice shall specify any exemption from the  
 30 installation requirements of paragraph (1) of subsection (a) of this Code section and any  
 31 vehicles subject to the installation requirements of paragraph (2) of said subsection. The  
 32 records of the Department of Public Safety or its successor agency shall contain a record  
 33 reflecting mandatory use of such device and the person's driver's license or limited driving  
 34 permit shall contain a notation that the person may only operate a motor vehicle equipped  
 35 with a functioning, certified ignition interlock device.

36 ~~(2) In the case of any person subject to the provisions of subsection (a) of this Code~~  
 37 ~~section, unless and until the Department of Public Safety has received notice from the~~

1 ~~court that issuance of a limited driving permit prior to license reinstatement has been~~  
2 ~~prohibited, the records of said department shall reflect that installation and use of an~~  
3 ~~ignition interlock device has been required.~~

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

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

12 (e) The fee for issuance of any driver's license indicating that use of an ignition interlock  
13 device is required shall be as prescribed for a regular driver's license in Code Section  
14 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an  
15 ignition interlock device is required shall be as prescribed for a limited driving permit in  
16 Code Section 40-5-64; except that, for habitual violators required to use an ignition  
17 interlock device as a condition of a probationary license, the fee shall be as prescribed for  
18 a probationary license in Code Section 40-5-58."

#### 19 **SECTION 1-9.**

20 Said article is further amended by striking Code Section 42-8-112, relating to proof of  
21 compliance required for reinstatement of certain drivers' licenses and for obtaining  
22 probationary licenses and reporting requirements, and inserting in lieu thereof the following:  
23 "42-8-112.

24 (a) In any case where the court imposes the use of an ignition interlock device as a  
25 condition of probation on a resident of this state whose driving privilege is not suspended  
26 or revoked, the court shall require the person to surrender his or her driver's license to the  
27 court immediately and provide proof of compliance with such order to the court or the  
28 probation officer and obtain an ignition interlock device restricted driving license within  
29 30 days. Upon expiration of the period of time for which such person is required to use an  
30 ignition interlock device, the person may apply for and receive a regular driver's license  
31 upon payment of the fee provided for in Code Section 40-5-25. If such person fails to  
32 provide proof of installation to the extent required by subsection (a) of Code Section  
33 42-8-111 and receipt of the restricted driving license within such period, absent a finding  
34 by the court of good cause for that failure, which finding is entered in the court's record,  
35 the court shall revoke or terminate the probation.

1 (b)(1) In any case where the court imposes the use of an ignition interlock device as a  
 2 condition of probation on a resident of this state whose driving privilege is suspended or  
 3 revoked, the court shall require the person to provide proof of compliance with such order  
 4 to the court or the probation officer and the Department of Public Safety or its successor  
 5 agency not later than ten days after the date on which such ~~suspension or revocation~~  
 6 ~~concludes~~ person first becomes eligible to apply for an ignition interlock device limited  
 7 driving permit in accordance with paragraph (2) of this subsection or a habitual violator's  
 8 probationary license in accordance with paragraph (3) of this subsection, whichever is  
 9 applicable. If such person fails to provide proof of installation to the extent required by  
 10 subsection (a) of Code Section 42-8-111 within the period required by this subsection,  
 11 ~~the department shall not reinstate such person's driver's license and~~, absent a finding by  
 12 the court of good cause for that failure, which finding is entered on the court's record, the  
 13 court shall revoke or terminate the probation if such is still applicable.

14 (2) If the person subject to court ordered ~~installation and~~ use of an ignition interlock  
 15 device as a condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2  
 16 to apply for reinstatement of his or her driver's license during the period of suspension,  
 17 such person shall, prior to applying for reinstatement of the license, have an ignition  
 18 interlock device installed and shall maintain such ignition interlock device in a motor  
 19 vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for  
 20 a period of six months running concurrently with that of an ignition interlock device  
 21 limited driving permit, which permit shall not be issued until such person submits to the  
 22 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program,  
 23 proof of having undergone any clinical evaluation and of having enrolled in any  
 24 substance abuse treatment program required by Code Section 40-5-63.1, and proof of  
 25 installation of an ignition interlock device on ~~his or her~~ a vehicle or vehicles to the extent  
 26 required by subsection (a) of Code Section 42-8-111. Such a person may apply for and  
 27 be issued an ignition interlock device limited driving permit at the end of ~~120 days~~ 12  
 28 months after the suspension of the driver's license. At the expiration of such six-month  
 29 ignition interlock device limited driving permit, the driver may, if otherwise qualified,  
 30 apply for reinstatement of a regular driver's license upon payment of the fee provided in  
 31 Code Section 40-5-25.

32 (3) If the person subject to court ordered ~~installation and~~ use of an ignition interlock  
 33 device as a condition of probation is authorized under Code Section 40-5-58 or under  
 34 Code Section 40-5-67.2 to obtain a habitual violator's probationary license, such person  
 35 shall, if such person is a habitual violator as a result of two or more convictions for  
 36 driving under the influence of alcohol or drugs, have an ignition interlock device  
 37 installed, ~~shall maintain such device~~ and maintained in a motor vehicle or vehicles to the

1 extent required by subsection (a) of Code Section 42-8-111 for a period of six months  
 2 following issuance of the probationary license, and such person shall not during such  
 3 six-month period drive any motor vehicle that is not so equipped, all as conditions of such  
 4 probationary license. Following expiration of such six-month period with no violation of  
 5 the conditions of the probationary license, the person may apply for a habitual violator  
 6 probationary license without such ignition interlock device condition.

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

11 (c) Each resident of this state who is required to ~~use~~ have an ignition interlock device  
 12 installed pursuant to this article shall report to the provider center every 30 days for the  
 13 purpose of monitoring the operation of each ~~interlocking~~ required ignition interlock device  
 14 ~~in the person's vehicle or vehicles~~. If at any time it is determined that a person has  
 15 tampered with the device, the probation officer or the court ordering use of such device or,  
 16 in the case of a driver who is not on probation, the Department of Public Safety or its  
 17 successor agency shall be given written notice within five days. If an ignition interlock  
 18 device is found to be malfunctioning, it shall be replaced or repaired, as ordered by the  
 19 court or the Department of Public Safety or its successor agency, at the expense of the  
 20 provider."

## 21 SECTION 1-10.

22 Code Section 43-13-10 of the Official Code of Georgia Annotated, relating to exceptions to  
 23 operation of "The Driver Training School License Act," is amended by striking subsection  
 24 (b) and inserting in lieu thereof the following:

25 "(b) The Any public or private secondary school may conduct driver training courses,  
 26 subject to the requirement that the provisions of this chapter other than paragraph (2) of  
 27 Code Section 43-13-4 shall apply to secondary schools conducting driver training courses  
 28 and to instructors therefor."

## 29 PART II

### 30 SECTION 2-1.

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

34 "40-2-136.

1 (a) ~~If a person is convicted of violating Code Section 40-6-391 and the person's driver's~~  
 2 ~~license is suspended or revoked pursuant to Code Section 40-5-58, the court shall issue an~~  
 3 ~~order requiring that the license plate of the motor vehicle which such person was operating~~  
 4 ~~at the time of violating Code Section 40-6-391 be surrendered to the court, provided that~~  
 5 ~~such motor vehicle is registered in such person's name. In the event a person was~~  
 6 ~~operating a motor vehicle not registered in such person's name at the time of violating~~  
 7 ~~Code Section 40-6-391~~ Upon any person's second or subsequent conviction of violating  
 8 Code Section 40-6-391 within five years, as measured from the dates of previous arrests  
 9 for which convictions were obtained to the date of the current arrest for which a conviction  
 10 is obtained, the court shall issue an order requiring that the license ~~plate of any motor~~  
 11 ~~vehicle~~ plates of all motor vehicles registered in such person's name be surrendered to the  
 12 court. The court shall notify the commissioner of public safety and the commissioner of  
 13 revenue within ten days after issuing any such order, and the commissioner of revenue shall  
 14 revoke each 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 of public safety for authorization to obtain  
 27 a new license plate or plates bearing a special series of numbers and letters so as to be  
 28 identifiable by law enforcement officers. Such license plate shall not, in and of itself,  
 29 constitute probable cause to authorize a traffic stop, search of a motor vehicle, or seizure.  
 30 The commissioner of public safety shall ~~determine whether the applicant has a valid~~  
 31 ~~limited driving permit or probationary license or whether~~ authorize the issuance of such  
 32 a special license plate only if he or she determines that there is another member of such  
 33 person's household who possesses a valid driver's license and that a co-owner of the  
 34 vehicle or a member of the offender's family, other than the offender, is completely  
 35 dependent upon the motor vehicle for the necessities of life and would be subjected to  
 36 undue hardship without such special license plate; ~~and~~ in no event shall such  
 37 ~~determination~~ decision take more than five business days. A local tag agent shall not

1 issue any plates except on written approval of the commissioner of public safety, payment  
2 of a \$20.00 fee for each vehicle for which a special plate is issued, and compliance by the  
3 applicant with all applicable state laws. The written authorization from the commissioner  
4 of public safety shall specify the maximum number of license plates 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 of revenue determines, upon receipt of proper application, that the proposed sale or  
9 conveyance is in good faith, that the person subject to such court order will be deprived  
10 of custody or control of the motor vehicle, and that the sale or conveyance is not for the  
11 purpose of circumventing the provisions of this Code section. Upon making such  
12 determination, the commissioner of revenue shall transfer the certificate of title to such  
13 vehicle and issue a new 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 of revenue shall transfer the certificate of title  
19 as provided in Code Section 40-3-34 and issue a new license plate to the new registered  
20 owner.

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

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

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

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



1 (2) If the driver's license was ~~revoked~~ suspended upon conviction for violation of Code  
 2 Section 40-6-391, be subject to the provisions of Code Section 40-5-63; except that if  
 3 such driver was convicted of driving under the influence of alcohol or of having an  
 4 unlawful alcohol concentration and is otherwise subject to the provisions of paragraph  
 5 (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for  
 6 a limited driving permit under Code Section 40-5-64, and:

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

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

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

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

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

34 ~~(d)~~(c) Any person whose driver's license is ~~revoked~~ suspended under subsection (a) of this  
 35 Code section for commission of any offense other than violation of Code Section 40-6-391  
 36 shall not be issued a new driver's license without submitting become valid and shall remain  
 37 suspended until such person submits proof of completion of a defensive driving program

1 approved by the Department of Public Safety and ~~payment of~~ pays a fee equivalent to that  
 2 required for restoration of a suspended driver's license under paragraph (1) of subsection  
 3 (a) of Code Section 40-5-63; provided, however, that such fee shall not be required ~~for the~~  
 4 ~~issuance of a new driver's license~~ under this subsection if such person's driver's license  
 5 was administratively suspended as a result of the offense for which the person's driver's  
 6 license has been ~~revoked~~ suspended pursuant to this Code section and the restoration fee  
 7 was paid for such administratively suspended driver's license."

### 8 SECTION 2-3.

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

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

1 of the current arrest for which a plea of nolo contendere is accepted, shall be considered  
2 and counted as convictions; or"

### 3 SECTION 2-4.

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

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

### 23 PART III

### 24 SECTION 3-1.

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

28 "40-2-136.

29 (a) ~~If a person is convicted of violating Code Section 40-6-391 and the person's driver's~~  
30 ~~license is suspended or revoked pursuant to Code Section 40-5-58, the court shall issue an~~  
31 ~~order requiring that the license plate of the motor vehicle which such person was operating~~  
32 ~~at the time of violating Code Section 40-6-391 be surrendered to the court, provided that~~  
33 ~~such motor vehicle is registered in such person's name. In the event a person was~~  
34 ~~operating a motor vehicle not registered in such person's name at the time of violating~~

1 ~~Code Section 40-6-391~~ Upon any person's second or subsequent conviction of violating  
 2 Code Section 40-6-391 within five years, as measured from the dates of previous arrests  
 3 for which convictions were obtained to the date of the current arrest for which a conviction  
 4 is obtained, the court shall issue an order requiring that the license ~~plate of any motor~~  
 5 ~~vehicle plates of all motor vehicles~~ registered in such person's name be surrendered to the  
 6 court. The court shall notify the commissioner within ten days after issuing any such order,  
 7 and the commissioner shall revoke each such license plate upon receiving such notice. The  
 8 court shall issue a receipt for the surrendered license plate or plates. The court shall  
 9 forward the surrendered license plate or plates to the local tag agent immediately upon  
 10 receipt. For purposes of this subsection, a plea of nolo contendere shall constitute a  
 11 conviction.

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

19 (c)(1) A person who is subject to a court order issued pursuant to subsection (a) of this  
 20 Code section may apply to the commissioner for authorization to obtain a new license  
 21 plate or plates bearing a special series of numbers and letters so as to be identifiable by  
 22 law enforcement officers. Such license plate shall not, in and of itself, constitute probable  
 23 cause to authorize a traffic stop, search of a motor vehicle, or seizure. The commissioner  
 24 shall ~~determine whether the applicant has a valid limited driving permit or probationary~~  
 25 ~~license or whether~~ authorize the issuance of such a special license plate only if he or she  
 26 determines that there is another member of such person's household who possesses a  
 27 valid driver's license and that a co-owner of the vehicle or a member of the offender's  
 28 family, other than the offender, is completely dependent upon the motor vehicle for the  
 29 necessities of life and would be subjected to undue hardship without such special license  
 30 plate; ~~and~~ in no event shall such ~~determination~~ decision take more than five business  
 31 days. A local tag agent shall not issue any plates except on written approval of the  
 32 commissioner, payment of a \$20.00 fee for each vehicle for which a special plate is  
 33 issued, and compliance by the applicant with all applicable state laws. The written  
 34 authorization from the commissioner shall specify the maximum number of license plates  
 35 a person may obtain.

36 (2) A motor vehicle owned or leased by a person subject to a court order issued pursuant  
 37 to subsection (a) of this Code section or for which a license plate has been issued subject

1 to paragraph (1) of this subsection may not be sold or conveyed unless the commissioner  
 2 determines, upon receipt of proper application, that the proposed sale or conveyance is  
 3 in good faith, that the person subject to such court order will be deprived of custody or  
 4 control of the motor vehicle, and that the sale or conveyance is not for the purpose of  
 5 circumventing the provisions of this Code section. Upon making such determination, the  
 6 commissioner shall transfer the certificate of title to such vehicle and issue a new  
 7 certificate of registration and license plate.

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

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

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

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

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

### 28 **SECTION 3-2.**

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

32 "40-5-57.1.

33 (a) Notwithstanding any other provision of this chapter, the driver's license of any person  
 34 under 21 years of age convicted of hit and run or leaving the scene of an accident in  
 35 violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle  
 36 in fleeing or attempting to elude an officer, reckless driving, any offense for which four or

1 more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an  
 2 alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23,  
 3 violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation of  
 4 Code Section 40-6-391 shall be ~~revoked~~ suspended by the department as provided by this  
 5 Code section, and a driver's license ~~revoked under this subsection shall not be reinstated.~~

6 A plea of nolo contendere shall be considered a conviction for purposes of this subsection.  
 7 Notice of ~~revocation~~ suspension shall be given by certified mail or statutory overnight  
 8 delivery, return receipt requested; or, in lieu thereof, notice may be given by personal  
 9 service upon such person. Such license shall be surrendered within ten days of notification  
 10 of such ~~revocation~~ suspension. Notice given by certified mail or statutory overnight  
 11 delivery, return receipt requested, mailed to the person's last known address shall be  
 12 prima-facie evidence that such person received the required notice.

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

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

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

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

28 (2) If the driver's license was ~~revoked~~ suspended upon conviction for violation of Code  
 29 Section 40-6-391, be subject to the provisions of Code Section 40-5-63; except that if  
 30 such driver was convicted of driving under the influence of alcohol or of having an  
 31 unlawful alcohol concentration and is otherwise subject to the provisions of paragraph  
 32 (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for  
 33 a limited driving permit under Code Section 40-5-64, and:

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

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

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

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

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

25 ~~(d)~~(c) Any person whose driver's license is ~~revoked~~ suspended under subsection (a) of this  
 26 Code section for commission of any offense other than violation of Code Section 40-6-391  
 27 shall not be issued a new driver's license without submitting become valid and shall remain  
 28 suspended until such person submits proof of completion of a defensive driving program  
 29 approved by the department and ~~payment of~~ pays a fee equivalent to that required for  
 30 restoration of a suspended driver's license under paragraph (1) of subsection (a) of Code  
 31 Section 40-5-63; provided, however, that such fee shall not be required ~~for the issuance of~~  
 32 ~~a new driver's license~~ under this subsection if such person's driver's license was  
 33 administratively suspended as a result of the offense for which the person's driver's license  
 34 has been ~~revoked~~ suspended pursuant to this Code section and the restoration fee was paid  
 35 for such administratively suspended driver's license."

**SECTION 3-3.**

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

"(2) Upon the second conviction of any such offense 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, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of ~~ten~~ 18 months. 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, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 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. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as 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:

